SUPREME COURT OF THE UNITED STATES.

No. 290.

THE UNITED STATES, LIBTS AND APPELLANTS,

vs.

THE BRIG DASHING WAVE.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

INDEX.

	Original.	Print.
Libel and order	1	1
Admiralty warrant and marshal's return	3	2
Petition and order to unload, and count specie	5	2
Special report of prize commissioners	6	3
Order of court	8	3
Refusal of consuls	9	3
Petition, and order sell certain articles	11	4
Report of prize commissioners and testimony in preparatorio	13	4
Orders to take charge	17	6
Letter from captain Monongahela	18	6
Deposition of Captain Rive	20	7
Deposition of Philip Dean	34	10
Deposition of John Egre	50	13
Auctioneer's bill	62	16
Claim of Captain Rive	63	17
Bond for costs	66	17
Claim of F. de Lizardi and Company	67	18
Bond for costs	68	18
Order to discharge specie	70	19
Proces verbal of auctioneer	70	19
Marshal's return	72	20
Harbor-masters' bill	73	21
Order cause fixed	73	21
Notices to attorneys	74	21
Appraisement	74	21
Appraisers' bill	75	22
Marshal's bill	76	22
Hearing and continuance	76	22
Agreement for foreign-going ship	77	22
Manifest	80	25

	Original.	Print.
British registry	87	34
Mexican consul's bill of health	90	35
English consul's bill of health	90	35
Mexican clearance	92	35
Store list	92	35
Letter from McDowell and H. to Jockush	94	36
Letters from captors to judge	95	36
Instructions to prize-master	97	36
Instructions to prize master	99	37
Circular Navy Department	101	37
Hearing and submission, (question further proof)	102	32
Rule for survey	102	38
Order appointing J. L. Sheafe	103	38
Notices	104	39
Order further proof allowed	105	39
Claim of Avendano Brothers	105	39
Bill lading annexed	108	40
Intervention of V. Garcia and al	110	40
Order notifying parties to take testimony	113	41
Letter from captain of Monongahela	114	42
Certificates of officers	115	42
Notices to take testimony	117	42
Testimony of Terrell	118	43
Testimony of Blume	119	43
Memoranda by clerk	120	43
Order cause fixed	121	43
Hearing and continuance	122	44
Affidavit of Morgan and Bright	123	44
Order D Augustin appended to captors	124	45
Notices to take testimony	125	45
Testimony of Blume	126	45
Testimony of Rogers	130	46
Testimony of Blume	131	47
Hearing and submission	132	47
Agreement in open court	133	47
Judgment of restitution	133	47
Petition of appeal	134	47
Order of appeal	136	48
Order to deliver personal effects	137	48
Order allowing Lizardi to bond	136	48
Order allowing Droege and Oetling to bond	138	49
List of goods, Droege and Oetling	140	49
Order to deliver personal effects	141	50
Order authorizing United States commissioner to take bond	142	50
Order taxing marshal's fees	143	50
Agreement relative to transcript	143	50
Citations of appeal	145	51
Agreement as to Liverpool clearance	153	53
Chart X	154	53

1 United States district court, eastern district of Louisiana.

THE UNITED STATES OF AMERICA
against
THE BRIG DASHING WAVE, HER TACKLE, &C., AND CARGO. } 7775. In prize.

To the Honorable Edward H. Durell, judge of the district court of the United States for the eastern district of Louisiana:

The libel of information in prize filed herein by Rufus Waples, attorney of the United States for the eastern district of Louisiana, on behalf of said libellants and of the naval captors in interest, respectfully represents to this honorable court—

First. That the brig or vessel called the Dashing Wave, with the goods, wares, and merchandise laden therein, was captured as lawful prize on or about the 5th day of Nov., 1863, and brought to the port of New Orleans, within the jurisdiction of this court, by the United States steamer Owasco, E. W. Henry, United States navy, commanding.

Second. That the brig or vessel called the Dashing Wave, with the goods, wares, and merchandise laden therein, were at the time of such capture and are now rightfully subject to such capture, and were and are lawful prize, and as such should be condemned and forfeited to the use of the libellants.

Third. That the said brig or vessel called the Dashing Wave, with the goods, wares, and merchandise laden therein, have been brought to the port of New Orleans, and are now at said port, and within the jurisdiction of this honorable court.

Fourth. That by reason of the premises, the said brig or vessel called the Dashing Wave, her tackle, apparel, and furniture, with the goods, wares, and merchandise laden therein, became and are liable to condemnation and forfeiture as lawful prize, and should be condemned and forfeited as lawful prize to the libellants.

That all and singular the premises are and were true, and within the jurisdiction of this honorable court; in attestation whereof, the said attorney exhibits the said vessel's papers, and the documents, &c., found on board, together with the testimony of the witnesses, duly taken *in preparatorio* by the prize commissioners appointed by this honorable court, which are or will be duly filed in the registry of this court.

Wherefore the said attorney of the United States, on behalf of the said United States, prays the usual process and monition of this honorable court against the said brig or vessel called the Dashing Wave, and her tackle, apparel, and furniture, and the goods, wares, and merchandise laden therein, in this behalf to be made, and that all persons interested in the said vessel and her cargo may be cited to answer in the premises; and that all due proceedings being had therein, this honorable court may be pleased to decree for the condemnation and forfeiture aforesaid, and that the said brig, her tackle, apparel, and furniture, with the goods, wares, and merchandise laden therein, may be condemned as lawful prize to the use of the said United States.

Dated New Orleans, November 23, 1863.

(Sig.) RUFUS WAPLES,
United States District Attorney.

2 Let admiralty process issue as prayed for, November 24th, 1863.
K. LOEW, *D'y Clk.*

3 The President of the United States of America to the marshal of the eastern district of Louisiana, or to his lawful deputy, greeting :

You are hereby commanded forthwith to seize, and into your possession take, the brig Dashing Wave, her tackle and cargo, now libelled by the United States for the causes set forth in the libel now pending in the district court of the United States for the eastern district of Louisiana ; that you do cite and admonish the owner or owners and all andevery other person or persons having, or pretending to have, any right, title, or interest in or to the same, and to be appear before a district court of the United States for the district aforesaid, to be holden at the city of New Orleans, on or before the third Monday from the service hereof, to show cause, if any they have or can, why the said brig Dashing Wave, tackle and cargo, should not be condemned as prize forfeited to the United States, sold and the proceeds thereof distributed according to law, and agreably to the prayer of the libellant; and how you have executed this warrant that you make return according to law.

Witness the Honorable Edward H. Durell, judge of the said court, at New Orleans, this 24th day of November, 1863, and the 88th year of the independence of the United States.

K. LOEW, *D'y Clerk.*

4 *Marshal's return.*

Rec'd 24 Nov'ber, 1863. The usual formalities of seizing having been perfected under a process issued from the U. S. prize comm'r, I proceeded to perform the additional legal requisites, by serving copies of the ad. warrant and libel on Edward Kerrick, prize master on board, and publishing monition in the N. O. Times, a daily newspaper printed in New Orleans, on 28th Nov., 5 and 12 Dec., 1863, returnable on 14th Dec., '63.

J. Q. A. HOIT, *D'y U. S. Marshal.*

5 *Petition and order to unload and count specie, Nov.* 24, '63.

In the matter of Dashing Wave, a prize.

To the honorable district court of the United States, E. D. of Louisiana :

The undersigned, prize commissioners of your hon. court, present this special report :

That they have Nov. 23, '63, proceeded on board the brig Dashing Wave, a prize, and found her moored in the river. Owing to the late hour and her location they declined taking her in charge until the following day.

Having been informed that a large amount of coin was on board constituting part of the capture, and that one of the boxes had been opened and a portion taken therefrom and the box then reclosed, they caused all the specie to be sealed, and left the same as they found it in charge of the naval
6 officer It is impossible to ascertain whether any abstraction of funds, at any rate to what extent, has taken place without an opening of the seal and counting the money by the marshal. We are also informed by the marshal that he has no suitable place for the custody or detention, which he therefore desires shall be as brief as possible. It is therefore recommended that the seals be reopened, the money counted, and the marshal authorized to remove this part of the cargo.

MICHAEL HAHN,
ALFRED SHAW,
Special Prize Comm'r.

In chambers.

Considering the report of the prize commissioners and the necessity appearing for this order, it is ordered that the U. S. marshal cause the
6 unlading of the specie on board the Dashing Wave, and is authorized to open the seals and cause the same to the counted and inventoried.

New Orl's, Nov. 24, 1863.

E. H. DURELL, *Judge.*

Special report of prize commissioners concerning foreign sealed packages.

To the hon. the judge of the U. S. dist. court for the eastern dist. of Louisiana:

The undersigned, prize commissioners of your honorable court, respectfully call the attention of the court to the fact that among the papers and documents found on board the brig Dashing Wave, are four packages, bearing the numbers 8, 13, 17, and 19, for identification, three of which appear to be ship mails, bearing the official seal of the packet letter office, Liverpool, directed to the acting postmaster or her Majesty's consul at Mata-
8 moros, and the remaining package, No. 8, having the seal of the Mexican consulate at Liverpool and directed to "Sr. Administrador de la Aduana, Matamoros."

By the circular of the Secretary of Navy, dated Aug. 18, 1862, which may be found on page 450 of Upton's Work, it appears that these packages should be delivered unbroken and unopened, to the British and American consuls, to be by them opened with the understanding that whatever is contraband or important as evidence concerning the character of the captured vessel will be remitted to the prize court, &c.

We therefore submit the question for the consideration and decision of the court.

MICHAEL HAHN,
ALFRED SHAW,
Special Prize Comm'rs.

At chambers.

Ordered that papers marked by the prize comm'rs with the numbers
9 8, 13, 17, and 19 be delivered to the consuls of the respective nations to which they belong, to be by them opened, with the understanding that whatever is contraband or important as evidence concerning the captured vessel will be remitted to this court forthwith.

November 25th, 1863.

E. H. DURELL, *Judge.*

Refusal of British consul to accept packages.

Received 25th Nov., 1863. In obedience to the within order, having offered the packages within described, directed to the British consul, Mr. Coppell, who refused to accept them upon the terms within pointed out, this order is returned with the packages marked 13, 17, 19.

Nov. 27, 1863.

J. Q. A. HOIT, *D'y U. S. Marshal.*

10 Rec'd Nov. 25, 1863. On the 27th inst. served a copy of the within order of court on C. E. Hothe, representing the Mexican consul, who accepted the same and gave a receipt for package No. 8, which is hereto annexed.

Nov. 27, 1863.

HOIT, *D'y U. S. Marshal.*

MEXICAN CONSULATE.

Received from the U. S. district court a package, marked No. 8, containing papers relative to prize brig Dashing Wave and cargo.

New Orleans, Nov. 27, 1863.

C. E. HOTHO, *Canceller.*

This same package have been returned to the clerk, the consul refusing to accept the same on the conditions imposed in the order.

Nov. 28, 1863.

K. LOEW, *D'y Clk.*

11 These 4 packages have subsequently been forwarded to the Secretary of State.—(Memo. by clerk.)

Petition and order to sell certain articles, Dec. 1st, 1863.

U. S. D. court, E. D. of La.

UNITED STATES
vs.
DASHING WAVE.

To the judge of the U. S. district court for the eastern district of La. :

The undersigned, prize commissioners appointed by and acting for your hon. court, respectfully report that they are informed by John Rive, captain of the brig Dashing Wave, whose statement is concurred in by D'y Marshal Wyman, that among the articles on board are a quantity of potatoes and onions, and among the master's stores a quantity of hams and cheese, which are deteriorating in value, and will be worthless if left on board. We recommend that they be sold without unnecessary delay.

(Sig.) MICHAEL HAHN,
R. RITCHIE,
Prize Comm'rs.

12 At chambers.

Ordered that the marshal proceed to remove and sell without unnecessary delay the potatoes, onions, cheese, and hams on board the brig Dashing Wave.

E. H. DURELL, *Judge.*

N. O., Dec. 1st, 1863.

Report of prize commissioners' testimony in preparatorio, &c.

13 In the matter of the brig Dashing Wave and cargo, a prize.

PRIZE COMMISSIONERS' OFFICE, *New Orleans, Dec. 1st,* 1863.

To the hon. the judge of the district court of the United States for the eastern district of Louisiana:

The undersigned, prize commissioners of the honorable court, respectfully report that on the 23d day of November, A. D. 1863, they received notice from Acting Master Thomas B. Sears, of the U. S. steamer Owasco, and prize master of the brig Dashing Wave, that the said Thomas B. Sears brought with him into this city a certain vessel called the Dashing Wave and cargo, as a prize of the U. S. steamer Owasco; that said brig had been captured on Thursday, the 5th day of November, 1863, on or about 1 o'clock p. m., for violating the

rules governing the blockade at present instituted by the United States government, and the said Sears and a prize crew had been appointed by said C. W. Henry, commanding Owasco, to bring said prize into this port and report her as required by the law and the usages in such cases observed.

That the said prize master did seasonably deliver to us all such papers, passes, documents, &c., as were found on board of the captured brig, and having a reference to and connection with the captured property, and
14 which were in the possession, custody, or power of the captors, which documents were by one of us prize commissioners regularly marked and numbered from 1 to 42, inclusive, being forty-two in number, and the said prize master made a deposition identifying said documents and complying in all respects with the law; which deposition and the said documents are herewith transmitted to your honorable court.

That on the same day the said prize master produced to me three witnesses, persons captured with the said brig, to wit: 1st, John Rive, captain of said vessel; 2d, John Egre, mate of said vessel; 3d, Philip Dean, able seaman of said vessel.

That we examined said three persons *in preparatorio* upon the standing interrogatories which have been adopted by the honorable court, as the same are found in Upton's Work on Prize Courts, (page 479, 3d edition;) that said witnesses were examined separately on oath, and not in presence of
15 each other, and unattended by counsel, after each had taken the necessary and prescribed oath to make true answer, &c., which answers were written down as required by law, each one separately to each interrogatory; and when entirely answered the said answers were signed by each witness respectively, as the same are now transmitted to your honorable court.

That we proceeded aboard of said vessel, the Dashing Wave, and examined her condition, and that it was impossible to state whether bulk had been broken or not; that the cargo consists of dry goods, rope, bread, blankets, potatoes, unfinished boilers, onions, &c, specie in boxes; one box of specie appears to have been broken into, and that it is impossible to ascertain exactly the nature or quality of the cargo without an unloading and undelivery of the same, which proceeding we now recommend to the honorable court; that we secured the hatches of said brig with a view to the protection of the cargo until it is undelivered

That we took possession of the said brig and cargo on the 27th day of November, 1863, and turned over the same to J. Graham, U. S. marshal of this court, who is to safely keep the same until further order of the court. All of which, including the deposition of said Sears, with the documents by him identified, and the answers to the interrogatories taken as above, are now securely sealed, and are hereby submitted to this honorable court and deposited in its custody.

MICHAEL HAHN,
ALFRED SHAW, (special,)
U. S. Prize Commissioners.

16 District court of the United States for the eastern district of Louisiana.

In the matter of the brig Dashing Wave and her cargo, a prize.

T. B. Sears, acting master and prize master of the brig Dashing Wave, detached from the U. S. steamer Owasco, of which E. W. Henry is commander, being duly sworn, deposes and says that the brig Dashing Wave was captured on the 5th of November, 1863, in American waters, off the Rio Grande; and

said T. B. Sears deposes and says that certain papers, marked from 1 to 42, inclusive, and further identified by the initial letters put on them by Special Prize Commissioner Alfred Shaw, are the same that were captured with the brig Dashing Wave, and that the deponent has delivered to the prize commissioner each and every document, paper, and writing whatsoever, received by him relating to the aforesaid captured property in the same state and condition in which he received them, without "fraud, subornation, or embezzlement," and without any addition or alterations whatsoever; and he does not know, nor does he believe, that any of the documents are missing or wanting.

And deponent further says that if at any time hereafter, and before the final condemnation or acquital of said captured property, any further or other paper relating thereto shall be found or discovered to his knowledge, they shall be delivered up, or information thereof given to the prize commissioners of this district, or to the honorable court.

(Signed) T. B. SEARS, *Acting Master, U. S. N.*

Sworn to and signed before me, prize commissioner, this the 23d day of November, 1863, New Orleans, La.

ALFRED SHAW, *Special Prize Commissioner.*

17 NEW ORLEANS, 23*d November*, 1863.

Jas. Graham, esq., U. S. Marshal:

Please to take in charge the brig Dashing Wave as soon as brought to the wharf, or such other place as will be convenient for you to take possession of her.

M. HAHN,
ALFRED SHAW,
Special Prize Commissioners.

Alf. Shaw, esq., U. S. prize com.:

SIR: I have taken in my charge the prize brig Dashing Wave, and found her cargo, consisting of dry goods, ropes, bread, blankets, medicines, potatoes, and unfinished boilers, and onions. I found the potatoes in hampers on top of the dry goods; a portion of the hampers are broken and the potatoes are scattered over the dry goods. I would therefore recommend them
18 and the onions to be discharged or removed, as the potatoes are becoming rotten and will damage the dry goods.

JNO. M. WYMAN, *D'y U. S. Marshal.*

New Orleans, Nov. 27th, '63.

Letter from the captain of the U. S. sloop Monongahela.

U. S. SLOOP MONONGAHELA,
Brazos de St. Jago, Texas, November 6th, 1863.

SIR: I have the honor to present the claim of the officers and crew of this ship, who are entitled to share in the prize brig Dashing Wave, captured by the Owasco and Virginia off the Rio Grande, on the 5th inst.

This ship was within signal distance, and had an officer and boat's crew on board the Owasco at the time of the capture.

A prize list has been forwarded to the Navy Department.

19 Very respectfully, your most obd't servant,

J. H. STRONG, *Commander.*

To the hon. judge U. S. district court, N. Orleans, La.

P. S.—If other evidence is wanted in reference to signal distance, all the officers will swear to it.

J. H. STRONG, *Commander.*

District court of the United States for the eastern district of Louisiana.

20 In the matter of the brig Dashing Wave and cargo, a prize.

Deposition of Capt. John Rive, of the Dashing Wave, a witness produced, sworn, and examined *in preparatorio* on the 28th day of November, in the year eighteen hundred and sixty-three, at the office of the prize commissioners, on the standing interrogatories established by the district court of the United States for the eastern district of Louisiana; the said witness havingbeen produced for the purpose of such examination by Rufus Waples, esq., U. S. district attorney, in behalf of the captors of a certain vessel called the Dashing Wave.

To the first interrogatory the witness answers:

1st. I was born in Jersey. My residence is at Liverpool; I lived there 5 years. I am a British subject, and owe allegiance to the British government. I am married, and have three children.

2d. I was present at the capture of the Dashing Wave.

21 3d. The seizure was made on the 5th of November, at anchor off the Rio Grande, and the vessel was brought here. The Dashing Wave had no commission or letters to make prizes. We were captured upon suspicion of having contraband goods on board.

4th The D. W. sailed under English colors, and had no others.

5th. We made no resistance when we were captured; no guns fired. We were captured by the Virginia and Owasco. A captain from each of said vessels came on board and captured us. There was the fleet of the U. S. war vessels in sight when we were captured. Our vessel is a merchantman; she acted under no commission or letters of marque. The Dashing Wave belonged to Mr. Lequesne, Mr. Dean, and myself. The capturing vessel was a U. S. gunboat; there were two of them, the Owasco and Virginia.

Can't tell their force. I don't know whether the capturing vessels 22 had any commission to act in the seizure.

6th. The Dashing Wave has never been seized or condemned before.

7th. The Dashing Wave was her name; that of her captain, myself, John Rive. I was appointed captain by the owners, Mr. Lequesne, or rather Mr. Asplitt, who afterwards sold out his share to Mr. Lequesne, and by Mr. Dean. I was appointed captain of the D. W. in Jersey. I have known the vessel 4 years. Mr. Dean and Asplitt delivered her to me as captain. My fixed place of residence is Liverpool, with my family; lived there some five years, or a little over. I was born in Jersey and am a British subject.

8th. The Dashing Wave is of 222 tons burden. The crew consisted of 11 men, myself included, and were the same number when we were 23 taken. The crew were all British but one, who was a Dutchman. They all came aboard at the same port, viz, Liverpool, but not at the same time; there was but one day's difference in their shipping. I shipped them at Liverpool.

9. I belonged to the ship's company as captain at the time of seizure; I had an interest in the vessel at the time of capture. I owned one-eighth of the vessel. I had no interest in the cargo whatever.

10. I knew the D. W. about four years. Saw her first in Jersey; she carried one gun. Eleven men were on board at the beginning of the voyage, and the same number when taken. She is a Jersey-built vessel, English. She has been called the Dashing Wave ever since she has been built; never knew her by any other name.

11. She was bound to Matamoros on the voyage in which she was 24 captured. The voyage began at Liverpool, and I don't know where it was to have ended, as the vessel had not been chartered. She had

a general cargo when she left Liverpool, and had the same cargo on board when seized. The cargo was put on board in July, August, and September, '63. She had not to my knowledge any contraband goods on board, or otherwise prohibited by law.

12. I don't know what is meant by passport or seabriefs. I had the clearance of the Mexican consul in Liverpool. She sailed from Liverpool to Matamoros on the voyage in which she was taken. Previous to this voyage she had made a voyage to Porto Ricco and back to Liverpool. She sailed from Liverpool on 10th September, 1863, for Matamoras, but the voyage was not to have ended there. I don't know where the voyage was to have ended, because there was no charter-party. The vessel was not chartered
25 at home. She had a general cargo, such as bailed goods, machinery. I can't state particularly, the manifest will show the kind of cargo she had. This cargo would have been delivered at Matamoros. She sailed from Liverpool on the voyage on which she was captured.

13. The Dashing Wave had the same cargo aboard when she was captured as she had when she left Liverpool for Matamoros. The cargo was put aboard in July, Aug., and September, 1863. I cannot tell the different species of the cargo or the quantities of each sort.

14. The owners of the vessel were Mr. Dean, Lequesne, and myself at the time of the capture. Who the owners of the goods were I don't know. The owners of the vessel are Englishmen, reside in Jersey and England. Jersey is a British island. They have resided in Jersey since they were
26 born, and are British subjects.

15. I don't know about any sale of the Dashing Wave, except this, that Mr. Dean had caused her to be built by Mr. Asplitt, who retained an interest in her. Asplitt afterwards sold out to Mr. Lequesne, because Lequesne had a mortgage on the vessel, which Asplitt could not pay. The respective interest of the owners of the Dashing Wave is thus: Mr. Lequesne owns 40 64ths, Mr. Dean 16-64th, and myself 8-64ths.

16. The lading found on board when the vessel was captured was put on board in the months of July, August, and September, 1863, in the port of Liverpool, England. I do not know the names of the laders, they are too many to remember. I do not know the owners, and the cargo was assigned to whoever I thought proper to give the business to. I was not bound
27 to any particular consignee. I cannot tell if any of the laders or consignees had any interest in the cargo. The cargo consisted principally of baled goods and machinery. I have to deliver the cargo at Matamoros, and I sincerely believe they are for Mexican use, and for the use of no other country.

17th. I believe there were 19 bills of lading signed for the cargo. I do not know exactly. They were all true and fair, and were not different in any respect from those found on board at the time of capture. They were taken by the boarding officer who captured us and related to the cargo.

18. There were papers on board showing the interest of various persons in the vessel and cargo, which were all taken by the boarding officer, as also the British mail.

28 To 19th he says he cannot state the degrees of latitude or longitude in which the vessel was when captured. It was on the 5th of November, 1863, at 1¼ o'clock p. m. As near as I could see, the anchor was abreast of the middle of the Rio Grande, and when the vessel canted, her head at one time would be in American and at another in Mexican waters; so the boarding officer told me, and he also stated that when he took her she was in American waters, her stern being to the northward. I think it was about three miles from shore. I was about two hundred yards to the east-northeast of the bark Science, which was then lying there at anchor. There was no charter-party for the voyage.

20. All the papers I had on board on leaving Liverpool were taken by the boarding officer, and there were none destroyed in any way whatever.

21. I did not know that Matamoros was blockaded.

29 22d. Matamoros was not blockaded by the United States naval forces, or under an order of blockade by the U. S. government.

23. The register was not examined by any man-of-war on her voyage from Liverpool to Matamoros until the boarding officers took possession of them and vessel.

24th. The Dashing Wave never attempted to run or evade the blockade, or escape from a blockaded port.

25. The vessel captured has never been seized or condemned as prize.

26. I have sustained a loss by the detention of the vessel and cargo, and loss of time and deterioration in value of cargo and stores. I have received no indemnity for my loss.

27. The vessel is insured. I do not know about the cargo.

30 28th. I can't say to whom the cargo would have belonged in case we had (arrived) discharged at our destined port, Matamoros.

29th. I do not know where the cargo was raised or manufactured.

30. The cargo was put on board both by means of lighters and from the shore.

31. The owners in Jersey and the laders of the cargo in Liverpool have, I suppose, papers relating to the same. There is also a copy of the register in the custom-house at Jersey.

32. There were no papers carried away in any manner but those taken by the boarding officers, and he took all relating to the vessel and cargo.

33. Bulk was not broken during the voyage or since we were captured.

34. There were three passengers on board. When on the voyage
31 from Liverpool to Matamoros the boarding officer allowed them to go ashore with their luggage when we were captured. Their names were Mr. and Mrs. Caldwell and their servant. The females were English. I do not know of what nation the other was. I do not know their profession or occupation, and they had no commission to my knowledge. They were taken on board at Liverpool on the 10th September, 1863. They were finally destined for Menterey, Mexico. I know not their business. They had no interest in vessel or cargo. There were none on board secreted. No citizens of the U. S. on board. There were none on board residents or citizens of any State or territory in a state of war with the U. S.

35th. All the papers on board are entirely true and fair. I know of no circumstance to affect their credit. All the papers were obtained for this vessel only upon the oath of myself, the fees for which have been
32 paid. I do not know of any persons having any passports or licenses, or letters of safe conduct. I have signed bills of lading and manifest, and all regular papers appertaining to the vessel and cargo, and they were taken by the boarding officers.

36. The vessel was at anchor off Matamoros when captured, and had always, when wind and weather permitted, steered as direct as possible for Matamoros.

37th. I have already mentioned all I know in regard to the sale of a vessel in a former interrogatory. If restored, she will belong to the persons now asserted to be the owners, and none others.

38th. There was one two-pounder gun mounted on board to be used for signals for pilots. Mr. Dean had a rifle and two pistols with a little powder for the same, and the vessel, to the best of my knowledge, had nothing contraband on board. There was nothing thrown overboard when captured to prevent suspicion.

39. The vessel was bound on a voyage from Liverpool to Matamoros when captured, and thence, after having discharged her cargo was very likely to go to Vera Cruz to get a charter for carrying mahogany to any port, I could get the charter.

40. The Dashing Wave never in this voyage, or on any former voyage, sailed under the convoy of any ship or ships of war or any armed vessels whatever.

41st. The vessel concerning which I am now examined never attempted to run the blockade or enter any port under an order of blockade by any belligerent power.

42d. The Dashing Wave never sailed with any commission or license to act as privateer or cruise against the property or persons, citizens of the U. S.

43. The vessel captured never acted in concert with any armed vessel whatever, for any purpose whatever.

JOHN RIVE.

Sworn to and subscribed before me this 28th November, 1863.

ALF. SHAW, *S. P. C.*

District court of the United States for the eastern district of Louisiana.

In the matter of the brig Dashing Wave and cargo, a prize.

Deposition of Philip Dean, able seaman of the D. W., a witness produced, sworn, and examined, in preparatorio, on the 28th day of November, in the year eighteen hundred and sixty-three, at the office of the prize commissioners, on the standing interrgatories established by the district court of the United States for the eastern district of Louisiana; the said witness having been produced for the purpose of such examination by Rufus Waples, esq., U. S. dist. att'y, in behalf of the captors of a certain vessel called the Dashing Wave.

1. To the first interrogatory the witness answers:

I was born in Liverpool, England, where I am living. Lived there all my lifetime except when I am at sea. I am a subject of Great Britain, to whom I owe allegiance. I am not a citizen of the U. S. I am not married.

2d. I was present at the capture of the Dashing Wave and her cargo.

3d. The seizure was made at the time the Dashing Wave was anchored off the Rio Grande, and she was carried to the port of N. Orleans. The Dashing Wave had no commission or letters of marque to make prizes that I ever knew of. She had none whatever, I am positive. From what I heard Capt. Brown say to our captain, I understood we were captured because we had three or four cases of quinine on board, and which was specified on the manifest of the ship.

4. The Dashing Wave sailed under English colors and had no others.

5. There was no resistance made to the seizure, except that the captain of our vessel protested, and stated the D. W. was on her legal voyage to Matamoros, but he made no resistance whatever, and just let them do as they liked. We fired no guns. I believe the capture was made jointly by the Owasco and Virginia. I knew this only from hearsay. From the place where we were taken we could see other U. S. ships-of-war at the Brazos Santiago. We were told they were U. S. war ships. Our vessel was a merchantman. She had no commission or letters to act as a privateer. The capturing vessels were U. S gunboats. Don't know of what force they were.

6. I don't know whether the capturing vessels had any commission to make prizes, but they took us. The D. W. had never been seized or condemned before.

7th. The captured vessel's name is the Dashing Wave; that of her captain, John Rive. He was appointed capt. by the owners of the vessel, either in Jersey or in Liverpool. I have known vessel and captain about three years. He took possession in Jersey or Liverpool, I don't know which. P.
37 H. Dean & Co. are the parties, I believe, who gave him possession of the D. W. I was not in England at that time. Capt. Rive's fixed place of abode is Liverpool, where he resided with his family about three years, ever since I knew him. Capt. Rive, I think, was born in Jersey He is a subject of Britain.

8. The tonnage of the D. W. is 222. The crew of the captured vessel consisted in 11 men all told when we left England, and had the same number when taken. There were 10 Englishmen and 1 Dutchman that composed the crew. They all came aboard at Liverpool. Don't know whether they all came at the same time. They were shipped by the captain.

9. I belonged to the ship's company at the time of the seizure in the capacity of able seaman. I had no interest in the vessel or goods
38 when we were captured. I don't know whether any other of the ship's company had any interest in vessel or cargo.

10. I knew the Dashing Wave about 2½ or 3 years. Saw her first in St. George's Dock, Liverpool. She had a little signal gun, that's all, that she could fire in case of distress. She had the same number of men when she left Liverpool, as she had when taken. She is an English-built ship. She was called the Dashing Wave ever since she was launched; never knew her by any other name.

11th. She was bound to Matamoros, Mexico, when she was taken. The voyage began at Liverpool and was to have ended at Matamoros. She had an assorted cargo when she left Liverpool, which is specified in the ship's manifest, and had the same cargo when taken. I cannot particular-
39 ize what cargo she had. She had no goods contraband of war on her last voyage to my knowledge.

12. She had the Mexican consul's clearance at Liverpool for Matamoros, also the clearance from the Liverpool custom house. She sailed from Liverpool to Matamoros on the voyage on which she was taken; previous to that voyage she made a trip from London to Porto Ricco and back; her last voyage began at Liverpool and was to have ended at Matamoros.

13. She had the same assorted cargo when she left Liverpool as she had at the time of her capture. This cargo was put aboard in the months of Aug. and Sept., 1863.

14. Messr. P. H. Dean & Co., were the owners of the vessel. Some 20 parties were the owners of the goods. I can name only the party
40 whom the money belonged to, to wit, Messr. F. de Lizardi & Co., of London. I heard at Liverpool that these gentlemen were going to ship this money, and saw them call at our office, P. H. Dean & Co., in regard to the shipping and freight on the same. I think these gentlemen are Spaniards, but am not sure. They have a house in London and in Liverpool and are merchants.

15. I don't know about any bill of sale of the Dashing Wave, except that when she was given to P. H. Dean & Co., but I was not present; never saw the bill of sale.

16. The cargo was placed aboard in Aug. and Sept. '63, at Liverpool. I don't know the names of the owners of the cargo except F. de Lizardi & Co., who owned the money. It was optional with the capt. to consign the vessel to whoever would give the best freight homewards; they intended to

41 consign her to San Roman, of Matamoros. Don't know what countrymen San Roman & Co., are. Should consider them Spanish by the name. Can't say what were the several qualities of the cargo. I believe that if the goods were released from the seizure and delivered at the port of destination they will belong to the owners whom they are consigned to and no others.

17. Can't say exactly; but believe some 20 bills of lading were signed for the goods seized on the Dashing Wave. These bills of lading were all true and fair and none false or colorable to my knowledge.

18. I had letters of introduction to merchants in Matamoros, showing that the vessel belonged to P. H. Dean & Co., and that I was the son of Mr. Dean; they were more letters of credit than of introduction. I know
42 nothing about the other papers of the vessel; what other papers there were, were in the possession of the captain.

19. I cannot state the degrees of latitude or longitude; but we were taken off the river Rio Grande, some 3 or 4 miles from the shore, in the neighborhood of Matamoros. Know nothing about a charter-party. The ship was advertised in Liverpool for Matamoros, taking no contraband of war. She was advertised in this way, and cards were sent round to the different shippers containing that clause.

20. The Dashing Wave had on board when she left Liverpool the bills of lading, ship's manifest, Mexican consul's manifest, Liverpool custom's clearance, a bundle of consignee's letters, 2 packages of English mail con-
43 signed to the British consul at Matamoros, the consular bill of health, ship's articles, a bill of health from the Liverpool custom-house, and the ship's log. She had all those papers when she was captured. I wrote the receipt myself for those papers to the capturing officer, and he then took them away. I may have omitted a paper at this moment, but those I have stated are all I recollect at this moment. No papers were destroyed, burnt, or thrown overboard, or concealed, to my knowledge.

21. I know nothing of any blockade of Matamoros by the U. S. force. Never heard that Matamoros was blockaded; never received any such notice.

22. Matamoros was not blockaded. We were captured whilst at anchor off the Rio Grande.

44 23. I saw the capturing officer examine the manifest of the ship when we were captured. I did not see him examine any other papers. Did not see him endorse the manifest. I saw him take away all the papers on the 2d visit he made.

24. The Dashing Wave never attempted to run any blockade or enter a blockaded port. My father owns 7 or 8 vessels, and none of them ever attempted to run any blockade.

25. The Dashing Wave had never been seized or condemned before.

26. I have sustained loss by the seizure. I have not yet got back my clothes from the ship. I lost a rifle, a revolver, and a small breach-loading pistol taken from me. I will sustain loss by my detention and loss of time.

45 27. Don't know whether the goods of the Dashing Wave are insured, but the vessel is. The insurance for the Dashing Wave was for her voyage from Liverpool to Matamoros, and from there to any port or ports of Mexico, to load a cargo of produce and back to the United Kingdom.

28. Had we arrived at our port of destination the cargo would immediately have become the property of the consignees at Matamoros; they would have taken the cargo from alongside the ship.

29. Don't know where the goods on board the D. W. were produced or manufactured.

30. The cargo was taken off the quay of the Liverpool docks and put on board; there was no transhipment.

31. There are no bills of lading or other papers on board other
46 vessels relating to the cargo of the Dashing Wave. I suppose that the consignees of the cargo at Matamoros have received their bills of lading in order that they may claim the goods upon the arrival of the ship.

32. No papers were delivered or carried away from the vessel prior to their being taken by the capturing officer.

33. No bulk was broken during the voyage.

34. We had 3 passengers, a gentleman, his wife, and their servant. Caldwell was the name of the passenger. Heard his wife call him Henry. Suppose he was called Henry Caldwell. The name of the maid was Susan. Don't know what country people they are. Don't know anything about their business. Understood they were going to Monterey. They had just been married in England. They came on board at Liverpool on 10th
47 Sept., the day the ship left. Nobody was secreted on board.

35th. All the ship's papers were true and fair. Nothing false whatever, regularly cleared at Liverpool. The vessel was in the port of Liverpool at the time of her clearance.

36. She was at anchor off the Rio Grande when she was taken. She, at all times of the voyage, had steered her course for Matamoros. She always prior to her capture steered for the port of Matamoros. Took the regular course.

37. I know of no transfer of the Dashing Wave; my father acquired her when she was built, and I think the builder retained an interest in her.

38. She had one signal gun mounted on deck. She had that in case of wreck, or any accident, so as to fire signals of distress. It was a
48 small 2-pounder. She had no other arms or ammunition, only the small pistol, rifle, and revolver that belonged to me.

39. The real and true destination of the Dashing Wave was Matamoros, where her cargo was to have been landed.

40. She never sailed under the convoy of an armed vessel or vessels, either on this or any previous voyage.

41. She never attempted to enter any blockaded port, either on this or any other voyage.

42. She never did have any commission or letters of marque, and never cruised ag'st property or citizens of the United States.

43. She never acted in concert or company with any armed vessel
49 or vessels, or acted as a privateer having a commission to cruise against persons and property of United States citizens.

PHILIP DEAN.

Sworn to and subscribed before me this 28th day of November, 1863.

ALFRED SHAW, *S. P. C.*

50 District court of the United States for the eastern district of Louisiana.

In the matter of the brig Dashing Wave and cargo, a prize.

Deposition of John Egre, mate of the Dashing Wave, a witness produced, sworn, and examined in preparatorio, on the 27 day of Nov'ber, in the year eighteen hundred and sixty-four, at the prize comm'rs' office, on the standing interrogatories established by the district court of the United States for the eastern district of Louisiana; the said witness having been produced for the purpose of such examination by Rufus Waples, esq., U. S. dist. att'y, in behalf of the captors of a certain vessel called the Dashing Wave.

To the first interrogatory the witness answers:

1st. I was born in Jersey; reside at St. Lawrence, Jersey; lived there since I was born; I am a subject of Great Britain, to whom I owe allegiance; I am not a citizen of the U. S., and have never been naturalized in this country; I am married, and have 3 children.

2d. I was present at the capture of the D. W.

51 3. The capture was made off the Rio Grande, near Matamoros, and the captured vessel was brought here. The Dashing Wave had no commission or letters to make prizes that I know of. I cannot tell for what reasons the Dashing Wave was captured. They said she was in American waters when she was taken.

4 She sailed under English colors. She had no other colors on board.

5th. No resistance was made at the time of the capture; no guns fired. There were two captains that came on board the Dashing Wave when she was taken. One was of the Owasco, and I don't know of what gunboat the other was. I cannot tell by what ship the capture was made. There were plenty ships in sight in the harbor when we were taken. Our vessel was a merchantman, and had no commission or letters of marque to make prizes.

The capturing vessel or vessels were men-of-war of the U. S.

52 6. I can't tell whether the capturing vessel or vessels had any commission to act in the seizure of the D. Wave. Our vessel had never been seized and condemned before, that I know of.

7th. The name of the captured vessel is the Dashing Wave; her captain's name is Rive. I don't know who app'd him captain. I have known vessel and captain since 12th of June, 1862, in Liverpool. I went along with the capt. to Cardiff, to join the vessel where she then lay; but I shipped in Liverpool, where I performed my engagement. The capt.'s fixed place of abode is Liverpool, where he lives with his family. The capt. was born in Jersey; he is an Englishman. The tonnage of the D. Wave is 225, I think. The crew consisted of 11 men, capt. and myself included. We had three passengers. The same crew was on board when we were taken as when

53 we started. There were two Jerseymen of the crew; the others I cannot tell what countrymen they are, as I never asked them. They all came aboard at the same place and time, at Liverpool. The capt. shipped them at Liverpool.

9th. I belonged to the ship's company as mate when we were taken. I had no interest in the cargo or vessel. I think the captain had some goods on board.

10. I have known the vessel since June, 1862. Saw her first in Cardiff, England. The Dashing Wave carried one gun on deck. We were 11 of the crew on board the Dashing Wave and 3 passengers when we left and the same number when taken. She is an English-built ship; was built in Jersey. She has always been called the Dashing Wave. I never knew her by any other name.

54 11. She was bound for Matamoros on the voyage in which she was taken. The voyage began at Liverpool, and was to have ended I don't know where. When the Dashing Wave left Liverpool she had a general cargo, and had the same cargo when seized. She had about 50 tons of coal, boilers, iron rods, and bales and boxes, the contents whereof I don't know. This cargo was put aboard in Aug. and September last, at Liverpool. I am not aware that she carried any goods contraband of war, or otherwise prohibited by law.

12. I can't tell whether she had any passports or seabriefs. I have made three voyages on this ship. The voyage she made previous to the voyage in which she was taken was to Bermuda from London, in the month of Jan'y,

1863; from Bermuda we went to Porto Ricco, and back to Liverpool. This present voyage, in which we were taken, was from Liverpool to Mat-
55 amoros, but I can't tell where it was to have ended. She sailed from Liverpool on the voyage in which she was taken.

13. She had the same general cargo, already described by me, when she left Liverpool and when taken. This cargo was put aboard in Aug. or Sept. last.

14. Mr. Dean was the owner of the vessel, but I think Capt. Rive and Mr. Asplit, her builder, were part owners also. I cannot tell who was the owner or owners of the goods; the cargo book might tell. The owners of the Dashing Wave are Englishmen; Dean resided at Liverpool; also the captain; Mr. Asplit resides at Jersey; can't tell how long they have lived there; they are subjects of Great Britain.

56 15. I know nothing about any bills of sale of the vessel; never saw any.

16. The cargo was put aboard the Dashing Wave in Aug. and Sept. last. I don't know the names of the owners or consignees of the cargo.

17. I know nothing about bills of lading.

18. There were bills of lading and other writings, invoices, and letters on board the Dashing Wave when she was taken. They were taken by the officer who took possession of the Dashing Wave as prize. It is not in my power to specify what these writings were; they are in the possession of the capturing officer.

19. I cannot state the degrees of latitude and longitude in which we were taken; but it was off the Rio Grande, some three miles from the shore of Matamoros. The capturing officers were U. S. naval officers. One
57 was of the Owasco, a U. S. gunboat; I don't know of what gunboat the other was. I know nothing about a charter-party.

20. I cannot particularize the papers the Dashing Wave had on board at the time of her capture and departure. I saw no papers burnt, secreted, destroyed, or thrown overboard.

21st. Neither the captain or myself knew that the place where we were captured was blockaded by the U. S. naval forces. Never received warning or notice of any blockade.

22. I don't know that Matamoros was blockaded by the U. S. forces when we attempted to enter the port of Matamoros. We were at anchor when we were taken, and had been three days at anchor there. We rec'd no warning that the port we attempted to make was in a state of blockade.

23. The register of the Dashing Wave was examined by an officer
58 of the U. S. navy before she was seized. I did not see him endorse the register, but I saw him take the ship's papers.

24. The Dashing Wave never, to my knowledge, attempted to run any blockade, or enter a blockaded port, either secretly or otherwise.

25. She had never been seized or condemned as a prize that I know of.

26. I have sustained no loss or damage by the seizure. I have rec'd no indemnity or promise of indemnity.

27. I don't know that the vessel and cargo had been insured.

28. Upon the arrival of the D. W. at her destined port she would immediately have become the property of Mr. Dean, the capt., and Mr. Asplitt; but I could not tell who would have been the owners of the cargo, as
59 I don't know who they are.

29. I don't know where the cargo was produced or manufactured.

30. All the cargo was taken from the shore at Liverpool in the docks; no part thereof has been moved or transhipped from one vessel to another, up to the time she was taken.

31. I know nothing about this question.

32. No papers were delivered from the vessel, or carried away in any manner that I know of.

33. No bulk was broken during the voyage.

34. We had 3 passengers—2 ladies, and one gentleman. Don't recollect the names of the passengers. The gentleman passenger was from Matamoros; he belonged to that place. His wife and the maid that accompa-
60 nied them belonged to Liverpool; they were English. I know nothing about their business; they came aboard at Liverpool, and were destined for Matamoros. These passengers had no cargo on board; nothing except their goods, clothes, &c. No one was secreted on board; no citizens of the U. S. were confined or secreted when we were taken.

35. I Don't know that there were any false papers on board; the papers were all in the possession of the capt. I know of no circumstances that would affect the credit of the ship's papers.

36. We were at anchor some 2½ or 3 miles off Matamoros when we were taken. She always on her voyage steered for the port of Matamoros. She never altered her course; our ways were always intended for Matamoros.

37. I don't know that the D. W. had been sold or transferred. I
61 was not present at any sale or transfer. I heard she belonged to Mr. Dean, the capt., and Mr. Asplitt. I really believe that the Dashing Wave would belong to these 3 gentlemen should she be released from seizure.

38. We had one gun mounted aft on the main deck. We had no other arms or ammunition on board; I did not see any other. I don't know why she had one gun mounted.

39. The Dashing Wave's intention was to discharge her cargo at Matamoros. During the whole voyage I heard them talk of no other place than Matamoros as her port of destination.

40. She never sailed under the convoy of any armed vessel or vessels that I know of.

62 41st. She never made for, or attempted to enter, a blockaded port.

42. There is no doubt in my mind that the Dashing Wave never had any commission or letters of marque to make prizes or act as a privateer. No, sir, she never did.

43. She never acted in concert with any armed vessel or vessels, or cruized ag'st property and citizens of the United States.

JOHN EGRE.

Sworn to and subscribed before me this 27 November, 1863.

ALFRED SHAW, *S. P. C.*

Auctioneer's charges, filed Dec'r 10, '63.

Mr. J. Graham, U. S. marshal, e. dist., Dec'r 8, '63, to G. A. Hall, U. S. p. auct'eer, to commission on sale of potatoes, onions, &c., cargo of the Dashing Wave:

Say 1 pr. ct. on 205 55	2 05
Picayune, 2; True Delta	3 50
Era; Times	3 50
	$9 05

63 *Claim by Capt. John Rive, on behalf of owners of vessel and cargo, filed Dec'r* 12, 1863.

Dist. court of the United States for the e. dist. of La.

THE UNITED STATES
vs.
BRIG DASHING WAVE, her tackle and cargo.

To the Honorable E. H. Durell, judge of the district court of the U. S. for the east. dist of La.:

John Rive, of Liverpool, England, intervening for the interest of his principals, the owners of the brig Dashing Wave, her tackle, &c., and cargo, against which vessel, &c., and cargo, Rufus Waples, esq., the dist. att'y for the U. S. in the eastern dist. of La., has filed a libel on behalf the United States, appears before this hon. court, and claims all and singular the said brig and cargo for his said principals, and states that he was master of the said brig at the time of her seizure, as set forth in the libel afore-
64 said, duly appointed by the owners thereof, and that he is now the lawful agent for the said owners at this port, and the rightful bailee of said brig and cargo.

Second. The claimant admits that the said brig Dashing Wave, with the goods, wares, and merchandize laden thereon, have been brought to the port of New Orleans, and are now at said port, within the jurisdiction of this hon. court.

The claimant denies each and every of the allegations contained in the first, second, and fourth sections of said libel.

Wherefore claimant prays that said brig, &c., and cargo, may be restored to the claimant or his principals, the said owners, with damages, demurrage, costs, fees, and expenses.

E. BRIGGS, *Proctor for Claimants.*

John Rive, the within claimant, being duly sworn, maketh his best
64 oath, and says that the foregoing claim is true; that the facts and averments contained in the above claim are the truth in connection with the rights of this deponent and his said principals, the owners of the said brig and cargo.

That the said brig Dashing Wave, with her tackle, apparel, and furniture, and cargo did belong, prior to and at the time of capture, and still do belong, and if restored will belong, to neutral owners.

JOHN RIVE.

Sworn to and subscribed before me this 12th Dec'r, 1863.

K. LOEW, *D'y Clk.*

66 *Bond for costs.*

66 UNITED STATES OF AMERICA,
Eastern district of Louisiana:

Know all men by these presents that we, John Rive as principal, and George Coppell as sureties, are held and firmly bound unto the U. S, libellant, in the sum of two hundred and fifty dollars, lawful money of the United States of America, for the payment whereof to the said U. S. or assigns, we jointly and severally bind ourselves, our heirs, executors, and administrators, firmly by these presents.

Witness our respective names and seals, hereunto affixed by us at New Orleans, this 12 day of Dec'r, one thousand eight hundred and sixty three.

Whereas an admiralty warrant was lately issued out of the honorable the district court of the United States of America for the eastern district of Louisiana, at the suit of the United States *vs.* brig Dashing Wave and cargo, her tackle, apparel, and furniture, *and cargo*, and numbered 7775 on the docket of the said court, commanding the marshal to seize and take into his possession the said brig and cargo, which has been seized accordingly, the said John Rive having at the time of the signing, sealing, and delivery of these presents filed a claim thereto, which is now of record in the clerk's office of this court:

Now the condition of the above obligation is such that if the said claimant and sureties shall satisfy all damages and costs as may be decreed against them, then the foregoing obligation is to be void; but otherwise, shall remain in full force and virtue.

JNO. RIVE. [SEAL.]
GEO. COPPELL. [SEAL.]

Signed, sealed, and delivered in the presence of—
W. S. JOHNSON.
E. BRIGGS.

67 *Claim of F. de Lizardi & Co. to the gold seized, filed Dec.* 12, 1863.

In the U. S. dist. court, prize.

In the matter of the brig Dashing Wave claimed as prize.

Into this case came Francisco de Lizardi & Co., of London, kingdom of Great Britain, a commercial firm composed of Francisco de Lizardi, Joseph M. de Lizardi, and Miguel G. de Lizardi, who say that they are the owners of several packages of coin, amounting in all to the sum of twelve thousand pound sterling, which they shipped on board s'd brig to Jose San Roman, of Matamoros, in the republic of Mexico.

That the same is their property, that the brig was on a lawful voyage, that the property is not liable to seizure or to be condemned as prize,
68 and that no other persons are interested therein.

Wherefore they pray leave to intervene in these premises, and to have the above mentioned and described coin delivered over to them, and as in duty bound.

P. H. MORGAN, *Att'y.*

P. H. Morgan, att'y for F. de Lizardi & Co., being duly sworn, says that the foregoing allegations are true; that he is the attorney for the said F. de Lizardi & Co., who are absent from the State, and that the said property, as above set forth, belongs to F. de Lizardi & Co.

P. H. MORGAN.

Sworn to and subscribed before me this 12 Dec'r, 1863.

K. LOEW, *D'y Clk.*

Bond for costs.

69 UNITED STATES OF AMERICA,
Eastern district of Louisiana:

Know all men by these presents that we, F. de Lizardi & Co. as princi-

pal, and M. A. de Lizardi, of New Orl's, as sureties, are held and firmly bound unto the United States of America, libellant, in the sum of two hundred and fifty dollars, lawful money of the United States of America, for the payment whereof to the said United States, or assigns, we jointly and severally bind ourselves, our heirs, executors, and administrators, firmly by these presents.

Witness our respective names and seals, hereunto affixed by us at New Orleans this 12 day of Dec'r, one thousand eight hundred and sixty-three.

Whereas an admiralty warrant was lately issued out of the honorable the district court of the United States of America for the eastern district of Louisiana, at the suit of the United States *vs.* brig Dashing Wave, her tackle, apparel, and furniture, and cargo, and numbered 7775 on the docket of the said court, commanding the marshal to seize and take into his possession the said brig and cargo, which has been seized accordingly, the said F. de Lizardi & Co. having at the time of the signing, sealing, and delivery of these presents filed a claim to a portion of said cargo, which is now of record in the clerk's office of this court:

Now the condition of the above obligation is such that if the said claimant and sureties shall satisfy all such damages and legal costs and charges as may be decreed against them, then the foregoing obligation is to be void; but otherwise, shall remain in full force and virtue.

F. DE LIZARDI & CO., [SEAL.]
P'r P. H. MORGAN.
M. A. DE LIZARDI. [SEAL.]

Signed, sealed, and delivered in the presence of—
K. LOEW, *D'y Cl'k.*

70 *Order to discharge specie, filed Dec'r* 12, 1863.

U. S.
vs.
BRIG DASHING WAVE. } At chambers.

The marshal is hereby authorized to discharge the specie in board the brig Dashing Wave, and that the said U. S. marshal do deposit the same in some safe place, subject to the order of court.

New Orleans, 25 Nov., 1863.

E. H. DURELL, *Judge.*

Proces verbal of auctioneer and marshal's return on order of sale

I, G. A Hall, U. S. prize auctioneer, do hereby certify that under and by virtue of an order of the hon. district court of the U. S. eastern dist. of L'a, directed to the U. S marshal for the dist. aforesaid, in suit by the U. S. *vs.*
71 the brig Dashing Wave, her tackle, apparel, and furniture, and cargo, No. 7775 of the docket of the said court, I offered the cargo of the brig Dashing Wave for sale, at public auction, on Tuesday, the 8th day of Dec'r, 1863, at 12 o'clock m., at the U. S. marshal's warehouse, Nos. 38 and 40 Old Levee st, at which said sale the same was sold for cash, at the prices, in the lots, and to the purchasers as hereinafter set forth, to wit:

Purchasers.	Articles purch'd.	Am't.
J. Laevur	2 bbls. potatoes, $2 65	$5 30
Pierce	...do.... do.... 2 50	5 00
Farrell	2 boxes onions. 3 00	6 00
Noble	1.....do.....	3 00
Farrell	15..... do..... 5 00	75 00
Heartt	18 cheeses, 2 55	36 90
Do	14 hams, 1 90	26 60
J. Laevur	10 hampers	6 25
C. Bosse	83...do	41 50
		205 55

(Sig.) G. A. HALL, *U. S. Prize Auct'eer.*

N. Orl's, La., Dec'r 8th, '63.

To JAMES GRAHAM, Esq., *U. S. marshal for E. D. of La.*

72 (For petition and order of sale see page 12.)

Marshal's return, filed Dec'r 12, '63.

UNITED STATES OF AMERICA, *East. dist. Louisiana:*

Pursuant to the within order of court, I have caused the property within named to be sold at public auction, and to the highest bidder, at the U. S. marshal's warehouse, No. 38 and 40, Old Levee st., on Tuesday, the 8th Dec'r, 1863, at 12 o'cl'k m., having given three days' previous notice of the time, place, and manner of the sale in the N. O. Times, a daily newspaper printed in N. Or'ls, and by G. A. Hall, U. S. prize auctioneer; and at such sale, as appears by the proces verbal of the said aucteer hereto attached, the same was sold at the prices, in the lots, and to the purchasers as hereinafter set forth.

J. Loevur, 2 bbls. potatoes, 2 65	5 30
Pierce, 2 do. 2 50	5 00
Farrell, 2 boxes onions, 3 00	6 00
Noble, 1 do. 3 00	3 00
Farrell, 15 do. 5 00	75 00
Heartt, 18 cheeses, 2 05	36 90
Do. 14 hams, 1 90	26 60
J. Loevur, 10 h. potatoes	6 25
C. Bosse, 83 do	41 50
Gross proceeds	205 55

73 Rec'd from J. Graham, U. S. marshal, two hundred and five 55-100 dollars, the proceeds of the sale aforesaid, as appears by the said proces verbal, the moneys to be disposed of as the court directs for which I have given duplicate receipts.

ALFRED SHAW,
Clerk U. S. D. C., E. D. of La.

N. O., Dec'r 10, '63.

Harbor-masters' bill, filed Dec'r 14, 1863.

N. O., *Dec'r* 1*st*, 1863.

Brig Dashing Wave to board of harbor-masters and master and wardens, Dr.

To harbor-masters' dues on 222 T., at 2 cts	$4 44
Port warden's entrance fee	5 00
	9 44

Order cause fixed for trial, Dec'r 15, 1863.

UNITED STATES
vs.
BRIG DASHING WAVE AND CARGO. } 7775.

On motion of the dist. att'y, ordered that this cause be fixed for
74 trial on Friday, 18th inst., at 10 a. m., and that the claimants be notified thereof.

Notice to claimants.

UNITED STATES
vs.
BRIG DASHING WAVE. } 7775.

To E. Briggs and P. H. Morgan, esq'rs :

You are hereby notified that the above cause has been assigned for trial on Friday, the 18th inst., at 10 a. m.

By order of court.

K. LOEW, *D'y Clk.*

Dec'r 15, 1863.

Service.

Rec'd 16th Dec'r, '63, and on the same day served copies of the within on P. H. Morgan and E. Briggs, esq's, in person.

J. Q. A. HOIT, *D'y U. S. Marshal.*

Appraisement.

NEW ORLEANS, *Dec'r 4th*, 1863.

75 SIR : We, the undersigned duly appointed appraisers, have examined the goods imported by brig Dashing Wave, and are of opinion that the actual market value or wholesale prices at the period of the exportation thereof to the United States, was, and we do therefore appraise the same, as follows :

93 hampers of potatoes, at 1 50	139 50
4 bbls. of potatoes, at 3	12 00
18 boxes onions, at 1	18 00
28 cheeses, at 1 50	27 00
14 hams, at 1 80	25 20
	221 70

H. G. HEARTT,
C. CLAIBORNE, *U. S. appraisers to the U. S. prize comm'rs, N. Or'l's.*

Appraisers' bill.

In the matter of the brig Dashing Wave and cargo to appraisers' office, Dr.

Dec'r 4, 1863.—For app't on perishable portion of cargo, 1 per cent. 2 21

76 *Marshal's bill.*

UNITED STATES
vs.
BRIG DASHING WAVE. } 7775.

In this case I certify that the costs and charges of U. S. marshal amount to $78 55.

Dec'r 18, '63. J. Q. A. HOIT, *D'y U. S. Marshal.*

Hearing and continuance, Dec'r 18, 1863.

UNITED STATES
vs.
BRIG DASHING WAVE AND CARGO. } 7775.

This cause came up to day for trial, dist. att'y for libellant, E. Briggs, P. H. Morgan & Lacey, and E. W. Huntington, for claimants. And the pleadings having been read, on motion of the dist. att'y it is ordered that the sealed package on file be opened. Whereupon the said attorney
77 offered in evidence the admiralty warrant, monition, and marshal's return, the testimony taken in preparatorio, the prize commissioners' report, and the papers found on board the vessel. And after hearing argument the dist. att'y, at his request, is allowed one day to ascertain whether further proof may be had, and leave is granted him to open such letters as may be required.

Agreement for foreign-going ship.

78 Name of ship, Dashing Wave; No., 27857; port of registry, Jersey; port No. and date of register, 1-2-3, '60; registered tonnage, 222; name, P. H. Dean & Co.; address, 15 Fenerek st., L'pool; name, John Rive; No. of cert., 7243; address, on board; date and place of 1st signature of agreement, including name of shipping office, 31 Aug., '63, L'pool.

The several persons whose names are hereto subscribed, and whose descriptions are contained below, and of whom 5 are engaged as sailors, hereby agree to serve on board the said ship, in the several capacities expressed against their respective names, on a voyage from Liverpool to Matamoros, thence, if required, to any ports and places in the Gulf of Mexico, North and South America, and Atlantic Oceans, thence to a port for orders, and to the continent of Europe if required, and back to a final port of dischage in the United Kingdom, the term not to exceed 12 months.

And the said crew agree to conduct themselves in an orderly, faithful, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in every thingrelating to the said ship, and to the stores and cargo thereof, whether on board, in boats, or on shore; in consideration of which services to be duly performed the said master hereby agrees to pay to the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement or wilful or negligent de-

struction of any part of the ship's cargo or stores shall be made good to the owner out of the wages of the person guilty of the same; and if any person enters himself as qualified for a duty which he proves incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that the regulations authorized by the Board of Trade, which in the paper annexed hereto are numbered 1 to 22, are adopted by the parties hereto, and shall be considered as embodied in this agreement. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the ship, in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that the crew shall consist of mate, st'd, and cook, 3 seamen, and two ordinary. No grog allowed.

In witness whereof, the said parties have subscribed their names hereto, on the days against their respective signatures mentioned.

Signed by John Rive, master, on the 31st Aug., 1863.

J. W. HUGHES, *Shipping Master.*

Signatures of crew.	Age	Town and country where born.	Ship in which he last served and port.	Date and place of discharge.	Date and place of joining this ship.	In what capacity engaged.	Time to be on board.	Am't of wages per calendar month.	Amount wages advanced on entry.	Amount monthly allotment.	Shipping master's signature or initials.
John Egri.....	30	Jersey.....	Dashing Wave, Jersey..	20 May, Liverpool	2 Sept., Liverpool..	Mate ...	2 Sept	5 5 0	5 5 0	2 12 6	J. W. Hughes.
Christen Ferson.....	35	Denm'k	Grace, Liverpool.....	28 Me'h, Liverpool.	31 Aug.....do.....	C. B. S..	..do..	3	3	.....	J. W. H.
George Leffley.....	26	Jersey	Dashing Wave	28 May.....do...	..do.....do	Carp....	. do...	2 15 0	2 15 0	.....	J. W. H.
J. Lightroff	19	Liverpool.....	Arcadia, Liverpool....	April .....do...	..do... ....do	Cook....	..do...	2 17 6	2 17 6	1	J. W. H.
J. x Marrett.....	23	Jersey	Hunberton, Quebec...	19 Aug.....do....	..do.....do	A. B....	..do..	2 10	2 10	.....	J. W. H.
Th. x Williams	27	Eastport.....	....do ..... .do.....	..do .....do....	..do.....do ...	A. B....	..do..	2 10	2 10	.....	J. W. H.
Jno. Campbell.....	19	Liverpool..... ..	H. Wallace, Liverpool.	June.....do....	..do.....do	Ord'y....	..do...	2	2	... .	J. W. H.
James Ryan	17	....do.....	Cath. Young	Aug..... .do..	..do.....do	..do.....	..do..	1 7 6	1 7 6	.....	J. W. H.
Th's Dunn.....	20	....do.....	Copernicus, Liverpool.	Oct., London.....	..do.....do	..do.....	. do..	1 5 0	1 5 0	.....	J. W. H.
Place of signatures and description of substitutes:											
Philip George Beaumont, seam.....	21	Liverpool.....	Dashing Wave.....	1861, Liverpool....	10 Sept., Liverpool.	A. B.....	.....	0 1 0	.....	.....	John Egri.

Scale of provisions to be allowed and served out to the crew during the voyage.

	Bread. lb.	Beef. lb	Pork. lb.	Flour lb.	Peas.	Tea.	Coffee. oz.	Sugar. oz.	Water. qts.
Sunday	1	1½	.....	½	.....	½	½	2	3
Monday	1	.....	1½	.....	½	½	½	2	3
Tuesday	1	1½	.....	½	.....	½	½	2	3
Wednesday	1	.....	1½	.....	½	½	½	2	3
Thursday	1	1½	.....	½	.....	½	½	2	3
Friday	1	.....	1½	.....	½	½	½	2	3
Saturday	1	1½	.....	½	.....	½	½	2	3

79 *Regulations annexed to agreement.*

Regulations for maintaining discipline, sanctioned by the Board of Trade in pursuance to the merchant's shipping act, 17 and 18 Vic., c. 104.

These regulations are distinct from and in addition to those contained in the act, and are sanctioned, but not universally required by law. All or any of them may be adopted by agreement between a master and his crew, and thereupon the offences specified in such of them as are so adopted will be legally punishable by the appropriate fines or punishments. These regulations are all numbered, and the numbers of such of them as are adopted must be inserted in the space left for that purchase in the agreement, and a copy of these regulations must be mrde to correspond with the agreement by erasing such of the regulations as are not adopted, and must be attached to and kept with the agreement which the master of the ship takes to sea with him. If the agreement is made before a shipping master his signature or initials must be placed opposite such of the regulations as are adopted.

For the purpose of legally enforcing any of the following penalties the same steps must be adopted as in the case of other offenses punishable under the act; that is to say, a statement of the offense must, immediately after its commission, be entered in the official log book by the direction of the master, and must at the same time be attested to by the signatures of the master and the mate, or one of the crew, and a copy of such entry must be furnished or the same must be read over to the offender before the ship reaches any port or departs from the port at which she is, and an entry that the same has been so furnished or read over, and of the reply, if any, of the offender must be made and signed in the same manner as the entry of the offense. These entries must, upon discharge of the offender, be shown to the shipping master before whom the offender is discharged, or, in the case of a home tradeship, to some shipping master at or near the place the crew is discharged, and if he is satisfied that the offense is proved, and that the entries have been properly made, the fine must be deducted from the offender's wages and paid over to the shipping master

If, in consequence of subsequent good conduct, the master thinks fit to remit or reduce any fine upon any member of his crew which has been entered on the log, and signifies the same to the shipping master, the fine shall be remitted or reduced accordingly. If wages are contracted for by the voyage or by share, the amount of the fine is to be ascertained in the manner in which the amount of forfeiture is ascertained in similar cases under sect. 252.

Offence.	Amount of fine or punishment.
1. Not being on board at the time fixed on by the agreement,	Two days' pay.
2. Not returning on board at the expiration of leave,	One day's pay.

Offence.	Amount of fine or punishment.
3. Insolence or contemptuous language or behavior towards the master or any mate,	One day's pay.
4. Striking or assaulting any person on board or belonging to the ship,	2 days' pay.
5. Quarrelling or provoking to quarrel,	One " "
6. Swearing or using improper language,	" " "
7. Bringing or having on board spirituous liquors,	3 " "
8. Carrying a sheat knife,	1 " "
9. Drunkenness, first offence,	2 days' half allowance of provisions.
9. Drunkenness, second offence,	2 days' pay.
10. Neglect on the part of the officer in charge of the watch to place the lookout properly,	2 " "
11. Sleeping or gross negligence while on the lookout,	" " "
12. Not extinguishing lights at the time ordered,	1 " "
13. Smoking below,	1 " "
14. Neglecting to bring up, open out, and air bedding, when ordered,	H'lf "
15 For the cook not having any meal of the crew ready at the appointed time,	1 " "
16. Not attending divine service on Sunday, unless prevented by sickness or duty of ship,	One day's pay.
17. Interrupting divine service by indecorous conduct,	" " "
18. Not being cleaned, shaved, and washed on Sundays,	" " "
19. Washing clothes on a Sunday,	" " "
20. Secreting contraband goods on board with intent to smuggle,	One month's pay.
21. Destroying or defacing the copy of the agreement which is made accessible to the crew,	One day's pay.

22. If any officer is guilty of any act or default which is made subject to a fine, he shall be liable to a fine of twice the number of day's pay which would be exacted for a like act or default from a seaman, and such fine shall be paid and applied in the same manner as other fines.

All adopted.

J. W. HUGHES.

80 PORT OF LIVERPOOL :

Manifest of cargo laden at this port on board the British brig Dashing Wave, of Jersey, John Rive, master, of the burthen of 222 tons, now bound for the port of Matamoras, and consigned to Mr. J. San Roman there.

Marks.	Numbers.	Gross weight of each package.	Number and description of package.	Contents.	Shippers.	Consignees.
W t	60–69	229 lb.....	10 bales.....	Cottons.....	C. Frodsham & Co...	Milmo & Co.....
	70–79	241 lb.....	10..do.....	....do.....	.....do.....	.....do.....
	80–88	190 lb.....	9..do.....	....do.....	.....do.....	.....do.....
	89–99	194 lb.....	11..do.....	...do.....	.....do.....	.....do.....
	100–161	214 lb.....	62..do	....do.....	.....do.....	.....do.....
	162–169	219 lb.....	8..do.....	....do.....	.....do.....	.....do.....
	170–179	279 lb.....	10..do.....	....do.....	.....do.....	.....do.....
	108–184	302 lb.....	5 cases.....	....do.....	.....do.....	.....do.....
	185–233	209 lb.....	49 bales.....	... do.....	.....do.....	.....do.....
	234	194 lb.....	1..do.....	...do.....	.....do.....	.....do..... .....
	235	118 lb.....	1 case.....	H'dkerchiefs	.....do.....	.....do.....
	236	144 lb.....	1..do.....	....do.....	.....do.....	.....do.....
	237	126 lb.....	1..do.....	....do.....	.....do.....	.....do.....
	238–241	101 lb.....	4..do.....	....do.....	.....do.....	.....do.....
	242–243	118 lb.....	2..do.....	... do.....	.....do.....	.....do .....
	244	192 lb.....	1 bale.....	Cottons.....	.....do.....	.....do.....
	245	199 lb	1..do.....	....do.....	.....do.....	.....do..... .....
	246–247	645 lb...	2 cases.....	....do.....	.....do.....	.....do.....
	248–249	156 lb.....	2 bales.....	...do.....	.....do.....	.....do..... .....
	250–251	107 lb.....	2 cases	...do.....	.....do.....	.....do.....
	252–255	103 lb.....	4 cases.....	H'kerchiefs	.....do.....	.....do.....
	256–264	137 lb.....	9..do.....	....do.....	.....do.....	.....do.....
	265	145 lb.....	1..do.....	....do.....	.....do.....	.....do.....
	266	91 lb.....	1..do.....	Worsted stuff...	.....do.....	.....do.....

MANIFEST—Continued.

Marks.	Numbers.	Gross weight of each package.	Number and description of packages.	Contents.	Shippers.	Consignees.
	267	630 lb	1 bale	Union cloth	C. Frodsham & Co.	Milmo & Co.
	268	518 lb	1 do	do	do	do
	269	322 bl	1 case	Worsted stuff	do	do
	273	198 lb	1 do	Cottons	do	do
	274	190 lb	1 do	do	do	do
	275	374 lb	1 do	Towels	do	do
	276	376 lb	1 do	do	do	do
	277	537 lb	1 do	do	do	do
	278–279	466 lb	2 do	Linens	do	do
	280	152 lb	1 do	Linen and cotton	do	do
	281–282	190 lb	2 do	Cottons	do	do
	282–330	220 lb	48 bales	do	do	do
	331–335	203 lb	5 cases	Cotton thread	do	do
	336–347	219 lb	12 bales	Cottons	do	do
	349–386	219 lb	38 do	do	do	do
	348	204 lb	1 do	do	do	do
	389	204 lb	1 do	do	do	do
	388	156 lb	1 case	do	do	do
	389	269 lb	1 bale	Union cloth	do	do
	390–449	379 lb	20 do	Cottons	do	do
	410–413	286 lb	4 do	Blankets	E. Frodsham & Co.	do
	414	271 lb	1 do	do	do	do
	415	200 lb	1 case	Pattern ends	do	do
[M H]	1	410 lb	1 do	Hardware	McDowell & Co	W. Jockush
		Total.				
	2–51	6904 lb	50 coils	Rope	do	do

		Total.	One parcel.....	Samples.....	.....do.....	.....do.....
L K	1–50	5 018 lb.....	50 coils	Rope.....	.....do.....	Droege, Oertling & Co.
[H]	15	406 lb.....	1 case.....	Napkins, h'dk'fs, towels, &c.	.....do.....	Hale & Co.....
	16	167 lb.....	1..do.....	..do.....	.....do.....	.....do.....
	17	315 lb.....	1..do.....	..do.....	.....do.....	.....do.....
	18	159 lb	1..do.....	...do	.....do.....	.....do.....
	19	150 lb.....	1..do.....	... do.....	.....do.....	.....do.....
	20	231 lb.....	1 .do.....	...do	.....do.....	.....do.....
	21	251 lb.....	1..do.....	... do.....	.....do.....	.....do.....
	22	213 lb.....	1..do.....	....do.....	.....do.....	.....do.....
	23	216 lb	1..do.....	.. do.....	.....do.....	.....do.....
	24–26	280 lb.....	3..do	...do.....	.....do.....	.....do.....
	27	278 lb.....	1..do.....	...do.....	.....do.....	.....do.....
	28	279 lb.....	1..do.....	....do.....	.....do.....	.....do.....
	29	256 lb.....	1..do.....	...do.....	.....do.....	.....do.....
	30	313 lb.....	1..do.....	...do.....	.....do.....	.....do.....
			1 box.....	Samples	.....do.....	.....do.....
			1 parcel	...do.....	.....do.....	.....do.....
W C H	1	1,018 lb.....	1 case.....	Mould'g machine	W. C. Huckins.....	J. San Roman.....
	2	106 lb.....	1..do.....	Stretch'g mach'e	.....do.....	.....do.....
	3	88 lb.....	1..do	Cutlery	.....do.....	.....do.....
C	14	233 lb.....	2..do.....	Card cloth'g, tacks to be used in cotton manufact'g.	.....do.....	.....do.....
	2	250 lb.....	1..do.....	....do.....	.....do.....	.....do.....
	3	238 lb.....	1..do.....	....do.....	.....do.....	.....do.....
	5	236 lb.....	1..do.....	...do.....	.....do.....	.....do.....
	6	242 lb.....	1..do.....	...do.....	.....do.....	.....do.....
A	1–18	290 lb.....	18.do.....	...do.....	.....do.....	.....do.....
B	1–18	4,791 lb.....	18.do.....	...do.....	.....do.....	.....do.....
F de L & C	.....	Weight unknown	2 boxes.....	Specie.	F. de Lizardi & Co...	.....do .....

MANIFEST—Continued.

Marks.	Numbers.	Gross weight of each package	Number and description of packages.	Contents.	Shippers.	Consignees.
S & Ph	1–50	196 lbs.....	50 boxes.....	Calico.....	J. Meek.....	Buchard & Co., successors.
	51–61	175 lbs.....	11 do.....	...do.....	.....do	.....do.....
	62–71	174 lbs.....	10 do.....	Cottons	.....do.....	.....do.....
	73–79	192 lbs.....	7 cases.....	Thread.....	.....do.....	.....do.....
	81–82	93 lbs.....	2..do.....	...do.....	.....do.....	.....do.....
	83	35 lbs.....	1..do.....	H'kerchiefs.....	.....do.....	.....do.....
	84–94	184 lbs.....	11 bales.....	Aprons.....	.....do.....	.....do.....
	95	165 lbs.....	1 case.....	Muslin de laine..	..... do.....	.....do..... .....
R & S h	96–98	147 lbs.....	3 bales.....	Flannels.....	.....do.....	.....do.....
S & P h	100–103	140 lbs.	4 cases.....	Muslins	.....do.....	.....do.....
			1..do.....	Samples.....	.....do.....	.....do.....
B C S	1	507 lbs.....	1..do.....	Steel.....	.....do.....	.....do.....
	2	602 lbs.....	1..do.....	...do.....	.....do.....	.....do.....
D O m	5	163 lbs	5..do	Thread.....	.....do.....	.....do.....
	5	184 lbs.....	5..do.....	...do	.....do.....	.....do .....
	18–27	164 lbs.....	20 bales.....	....do.....	.....do.....	.....do.....
	73–82	.....	.....	.....	.....do.....	.....do.....
	83–92	158 lbs.....	10 do.....	Prints.....	.....do.....	.....do.....
	93–102	164 lbs.....	10 do.....	....do.....	.... .do	.....do.....
	103–117	162 lbs.....	15 do.....	....do.....	.....do	.....do.....
	1	.....	1 case.....	Samples.....	.....do.....	.....do.....
[R]	5	387 lbs.....	1..do.....	...do.....	.....do.....	.....do.....
	6	388 lbs	1 .do.....	....do.....	.....do.....	.....do.....
	7	384 lbs.....	1..do.....	Hank thread....	.....do.....	.....do.....
	8	383 lbs.....	1 bale.....	.....	.....do.....	Droege, Oertling & Co.

	9	357 lbs	1..do		do	do
	10–18	272 lbs	9..do	Domestics	do	do
	19–22	246 lbs	4..do	Regatta stripes	do	do
	23	178 lbs	1 case	Buttons	do	do
	24–26	216 lbs	3..do	do	do	do
	27	218 lbs	1..do	do	do	do
	28	244 lbs	1..do	do	do	do
	29	274 lbs	1..do	do	do	do
	32	272 lbs	1..do	do	do	do
	33	296 lbs	1..do	Shirting	do	do
	34	292 lbs	1..do	do	do	do
	35	239 lbs	1..do	Thread	do	do
	36	248 lbs	1..do	Cott'n webbing &c	do	do
[D]w	1	308 lbs		Hair pins, needles	do	do
	2	224 lbs		Needles	do	do
	3	252 lbs		do	do	do
[R]	1		1 case	Samples	do	do
B	77–92	Total 7,400 lbs	16 bars	Iron	W. White	F. Armendiez
	197–210	68,860 lbs	250 bundles	do	do	do
	1–131	Total	20 tons 1,300 w't, 2 q. and 6 lbs.	1 boiler and appurtenances and mining machine	do	do
	1–7	20 tons 13, 2, 6..	7 cases			
	8–11		4 kegs			
	12–14		3 casks			
C R	1378	623 lbs	1 case	Cotton cards	Lemonius & Co	C. A. Jenney
S & Dm	31	1,400 lbs	1 cask	Hardware	Brown, Shipley & Co.	Shoemar & Dresse
[L]	1-3 11 16-16	Total	35 bales	Cordage	Wallis & Pollock	Milmo & Co
	22-23 27-31	35, 1, 3	3,500 1 4 3 p'ds	do		do
	35-39 43-47			do		do
	51-55 59-63			do		do
d [Z] n	426	1 cwt	100 weight	Patterns h'dware	W. Griffith & Co	Burchard & Co., successors.

MANIFEST—Continued.

Marks.	Numbers.	Gross weight of each package	Number and description of packages	Contents.	Shippers.	Consignees.
⋈ V C	4614	Total.....	1 package.....	.....	.....	.....
	4834	703 lbs.....	1 ...do.....	Muslins	J. Moss & Co.....	J. Marks & Co.....
Lf Oy	219–318	166 lbs.....	100 bales.....	Cottons....	Leech, Harrison & Co	Burchard & Co., successors.
C G	3382	133 lbs.....	1 case.....	Woolen shawls..	.....do.....	..... do.....
	3383–3385	136.....	3..do.....	....do.....	.....do	.....do.....
[K R]	3382–3385	.....	1..do.....	Samples.....	.....do.....	.....do.....
	1	.....	1..do.....	Powd'ed rhubarb.	J. Meek	Droege, Oertling & Co.
	2	.....	1..do.....	Derens powder..	.....do.....	.....do..... ..
	3	.....	1 keg.....	Citric acid.....	.....do.....	.....do.....
	4–8	.....	5 cases	Quinine	.....do	.....do... .....
	9	.....	1..do.....	Turkey opium...	.....do	..... do .....
	10–14	W'ght unknown.	5..do.....	Calc'd magnesia.	.....do.....	.....do .....
	15–20	.....	6..do.....	Castor oil.	..... do.....	.....do.....
	21	....	1..do	Blue pills.....	.....do.....	.....do.....
	22	.....	1..do.....	Calomel.....	.....do	.....do. .....
	23	.....	1..do.....	Chloroform	.....do.....	.....do.....
	24–25	.....	2..do.	Camphor.....	.....do.....	.....do.....
		.....	1 box.....	Samples.....	.....do.....	.....do..... ...
[K]	37	159 lbs.....	1 bale.....	H'kerchf.....	.....do.....	.....do .....
	1–4	....	4 cases.....	Thread	.....do.....	.....do.....
D Om	2	178 lbs	7 bales	.....	.....do	.....do.....
	3	173 lbs.....	12..do.....	Shirtings.....	.....do	.....do.....
	8–17	167 lbs.....	10 cases.....	Cotton tick.....	.....do.....	.....do.....
	28–72	164 lbs...	45 do.....	Prints	.....do.....	.....do..... .....
[N]	2	.....	1 parcel...	Samples	.....do.....	.....do .....

	2	.....	1 case.....	.....	.....do.....	.....do.....
F D O	71–89	189 lbs.....	19 bales.....	Flannels.....	.....do.....	.....do.....
		160 lbs.....	23 do.....	Sheetings.....	.....do.....	.....do.....
	71–89	.....	1 do.....	Samples.....	.....do.....	.....do.....
			1, 429			

Total, fourteen hundred and twenty-nine pieces and packages.

LIVERPOOL, *5th September*, 1863.

I do hereby declare that I have no goods on board of my vessel but such as are intended solely for the legal trade of the republic of Mexico.

(Sig.) JOHN RIVE. [SEAL.]

87 *Certificate of British registry.*

Signal letters, P, T, C, D; official number of ship, 27857, (twenty-seven thousand eight hundred and fifty-seven;) port number three, 1860; date of register, 1st February, 1860; name of ship, Dashing Wave; British or foreign built, built at the island of Jersey, on 11th Jan'y, '64; port of registry, Jersey; how propelled, by sail; number of decks, one; number of masts, two; rigged, brig; stern, square; build, carved; galleries, none; head, woman figure; framework, wood.

Measurements.—Length from the forepart of stem under the bowsprit to the aft side of head of stern-post, 116 feet 2 tenths; main breadth to outside plank, 23 feet 9 tenths; depth in hold from tonnage deck to ceiling at midships, 12 feet 4 tenths.

88 *Tonnage.*

Tonnage under tonnage deck	217. 91
Closed-in spaces above the tonnage deck, if any, viz:	
Space or spaces between decks, break of deck	4.68
Poop	
Round-house	
Other inclosed spaces, if any, name them	
Total register tonnage	222. 59

We, the undersigned, registrars of the port of Jersey, hereby certify that the ship the description of which is prefixed to this our certificate has been duly surveyed, and that the above description is true, that John Rive, whose certificate of competency is No. 7243, is the master of said ship, and that the names, residences, and description of the owners and number of 64th shares held by them are as follows:

George Asplit, merchant, forty	40
Philip Hog Dean, merchant, sixteen	16
Jno. Rive, master mariner, eight	8
	64

89 Dated at the custom-house, Jersey, the first day of Febr'y, 1864.
By command of his ex'y the lieutenant governor.

W. CLARKE, *Comp'r.*
E. W. HURLFORD, *Registrar.*
W. A. GARDNER, *Secretary.*

Notice.—A certificate of registry granted under the merchant shipping act 1854 is not a document of title. It does not necessarily contain notice of all changes of ownership, and in no case does it contain an official record of any mortgages affecting the ship.

CUSTOM-HOUSE, *London*, 15 *May*, 1862.

I hereby certify that Joshua Lafferey, No. 50955, has this day been appointed master of the ship within described.

M. STAFFLY, *Ass't Registrar.*

CUSTOM-HOUSE, *Cardiff*, 1 *June*, 1862.

I hereby certify that John Rive, the number of whose competency is 7243,

has this day been appointed master of the ship within described, in place of Joshua Lafferey.

F. T. MILLER, *Registrar.*

90 *Mexican consul's bill of health.*

Patente de sanidad.—Jose Ma. Pastor, consul Mexicano en Liverpool.

Certifico que el buque bergantin Ingles Dashing Wave, de porte de toneladas al manda del capitan Mr. John Rive esta para hacerse a lavelade esta puerta para el de Matamoros llevando tres pasageros y diez hombres de tripulacion incluse el capitan. Asi mismo certifico que esta ciudad o puerto y su distrito se hallar libres de toda enfermedad contagiosa.

Y para que conste dande convenga la firmo en Liverpool a cinco de Setiembre de mil ochocientos sesenta y tres.

JOSE M. PASTOR.

English bill of health, from custom-house.

91 To all to whom these presents shall come we, the undersigned, officers of her Majesty Queen Victoria in the port of Liverpool in the city and town of Liverpool, send greeting:

Whereas the vessel called the Dashing Wave, whose master is John Rive, is about to sail from the port of Liverpool on this 5th day of Sept., 1863, and from thence for Matamoras and other places beyond the seas with 13 persons on board, including the said master:

Now know ye that we, the said officers, do hereby make it known to all men, and pledge our faith thereunto, that at the time of granting these presents no plague, epidemic, cholera, nor any dangerous or contagious disorder exists in the above port or neighborhood.

In testimony whereof, we have hereunto set our names and seal of office on the day and year aforesaid.

Given in the custom-house of the port of Liverpool, on the 5th day of Sept., 1863.

J. HADDENNY, *Coll'r.*

92 *Mexican clearance.*

Jose Ma. Pastor, consul Mexicana en Liverpool.

Certifico haber recibido el manifiesto general presentado por parte del capitan Mr John Rive del bergantin Ingles Dashing Wave que contiene 1,429 bultos y piecas de mercancias a bordo de declio buque que selera de este puerto con destino al de Matamoros.

Y para que conste doy la presente firmada por me en Liverpool a cinco Setiembre, 1863.

JOSE M. PASTOR.

Store list of British brig Dashing Wave, of Jersey, from Liverpool to Matamoros.

93 15 casks pale ale; 20 hams; 20 cheeses; 20 jars of butter; 100 hampers of potatoes; 100 cases of gin; 1 hamper of boots; 1 bale of sailors' clothing; 12 cases of whiskey; 35 cases of brandy; 5½ dozens of mixed biscuits; 18 boxes of onions; 3 doz. salad oil; 8 doz. jars of table salt; 5 cases sardines; 4 bbls. flour; 10 cwt. of bread; 3 tierces of beef; 3 bbls. pork; 40 tons of coal; 8 gall's rhun; 30 lbs. of coffee; 25 lbs. of tea; 2½ cwt sugar; 1 firkin of tongues; 11 jars of jelly; 10 bottles of fruit.

Matamoros, November, 1863.

JNO. RIVE, *Commander.*

94 *Letter from McDowell & Halidays to J. W. Jackush, per Dashing Wave.*

LIVERPOOL, 2 *September*, 1863.

J. W. Jockush, esq., Brownsville:

DEAR SIR: We now inclose B. L. and invoice for [M. H] 1,1 case needles, &c., 2-51, 50 coils Manilla bale rope, $1\frac{3}{4}$ inches in circumference, shipped to you by this conveyance, the Dashing Wave, which you will please sell to best advantage on our ac, and we hope they will arrive to a good market. The case of needles is duplicate of one taken out by Mr. Kopperl, so you will no doubt find it well assorted. The nett proceeds you can use in advancing on cotton consigned to us, sending us a pass draft to balance the transaction.

At foot is copy of the clause in the B. L., but if you apply for delivery of your goods within the 10 days, it will exempt you from any claim for demurrage.

95 We also enclose consul's certificate, with copy of invoice furnished to him.

Our invoice is the exact cost price. The goods are on the top, so should be soon out.

Yours very truly,

McDOWELL & HALLIDAYS.

Goods to be taken from alongside ship's tackle outside the bar at receiver's risk and expense, within ten working days after arrival, if the ship is in a position to deliver cargo, or pay £6 6 0 per day demurrage, to be paid to ship by consignees in fair proportion.

Letter from captors to the judge of the dist. court U. S.

U. S. S. OWASCO, *Nov.* 5, 1863.

I have the honor to inform you that I have seized as a prize the
96 English brig Dashing Wave, from Liverpool, bound to Matamoros.

The brig was in American waters at the time, the entrance of the river bearing W.SW. She has on board an assorted cargo, as you will see by the manifest.

I seized her because among the cargo there were blankets, boots, and shoes, and a quantity of medicine, a number of cases of which contained quinine.

The Virginia was near by at the time, and the Monongahela in signal distance. The officer in charge will give you all the necessary information regarding her. I have ordered her to New Orleans.

I am, sir, very respectfully, your ob. ser't,

E. W. HENRY, *L't Com'dg.*

To the JUDGE *of the dist. court, New Orleans.*

97 *Instructions to prize master.*

U. S. S. OWASCO, *Nov.* 5, 1863.

SIR: Proceed with the English brig Dashing Wave under your charge to the port of New Orleans, and there deliver her, with the accompanying papers (which are all that were found on board) and the persons retained as witnesses, to the judge of the U. S. district court or to the U. S. prize commissioners at that place, taking his or their receipt for same.

You will not deliver either her, her papers, or the witnesses to the order of any other person or parties unless directed to act otherwise by the Navy Department or flag officer commanding the squadron.

The Dashing Wave was seized by this vessel under my command on the 5th day of Nov'r, 1863, off this port, for violating the rules governing
98 the blockade at present instituted by the U. S., and of the circumstances attending the case you are sufficiently aware and will communicate them when required to do so by competent authority.

On your arrival at New Orl's, and immediately after you have visited the judge or prize commissioners, you will call on the U. S. dist. att'y thereat, show him these instructions, and give him any information concerning the seizure he may solicit. Then you will next report yourself in person to the commanding officer of the navy yard thereat, show him also these instructions, and ask his directions when needed as to the disposition of yourself and the rest constituting the prize crew. Finally, when duly notified by the judge, prize commissioners, or dist. attorney that your services are no longer wanted by the court, you will at once return to your vesssel, taking with you the men under your command and the receipt above alluded
99 to, unless otherwise ordered by superior authority. You will receive herewith a communication from the Secretary of the Navy, giving him a detailed account of the seizure. This you will mail immediately on your arrival at New Orleans.

Your attention is called to the annexed circular, lately issued from the Navy Department, to which have been added since it was issued the words in the last paragraph beginning with "together with a descriptive list &c., which you will see is complied with in every particular before sailing with your prize.

Very respectfully, your ob't serv't,

E. W. HENRY,
Comm'dg U. S. S. Owasco.

To Acting Master T. B. Sears, *U. S. St. Owasco.*

U. S. S. Owasco, *Rio Grande, Nov.* 6, 1863.

100 Sir: You are going to take charge of the Dashing Wave. I want you as far as practicable to obey the following orders:

1. Guard against any surprise.
2. Have your men always armed and ready for any emergency.
3. Keep a sharp lookout on the captain.
4. On no account allow your men to be enticed into drinking any liquor. If you see the least sign of it, stop it at once.
5. Be courteous to the crew (prize) on board, at the same time firm.
6. Keep well off the land.
7. Do not allow the capt. to interfere with you in any way.
8. If mutinous you will put him in irons.

I wish you a pleasant voyage and a speedy return to your ship.

Very respectfully, your ob't ser't,

E. W. HENRY, *Lt. Commd'r.*

To Acting Master T. B. Sears, *U. S. S. Owasco.*

Acting Ensign ———, of the Virginia will report to you for duty.

E. W. HENRY, *L. Com.*

101 *Circular.*

Navy Department, *Nov'ber* 6, 1861.

The attention of commanding officers in the navy is called to the following extract in relation to their duties, from the 29th article of the act of Ap'l 23, 1800, for the better government of the navy:

He shall whenever he orders officers and men to take charge of a prize and proceed to the United States, and whenever officers and men are sent from his ship for whatever cause, take care that each man be furnished with a complete statement of his account, specifying the date of his enlistment, and the period and terms of his service, which account shall be signed by the commanding officer and purser.

These requirements must be strictly complied with, and in addition duplicate statements must be forwarded to the paymaster of the vessel or station to which the men are sent, together with a descriptive list of
102 the men sent according to the form here annexed.

Names of crew.	Enlisted.	Where born and personal description.

Hearing and submission on question of further proof, Dec'r 19, '63.

United States
vs.
Brig Dashing Wave. } 7775.

This cause came up again before the court, dist. att'y for libellant, E. Briggs, P. H. Morgan, and Lacey & Huntington, for claimants.

When, after hearing the argument of the respective counsel upon the application now made by the dist. att'y for further proof, the court took time to advise.

Rule for a survey, Dec'r 21, 1863.

United States
vs.
Brig Dashing Wave. } 7775.

103 On motion of Rufus Waples, U. S. dist. att'y, and on suggesting that the testimony taken *in preparatorio* in this case does not fully answer interrogatories Nos. 11, 13, 38, and others, as to the character of the cargoes, it is ordered that the claimants show cause why a survey of the contents of specimen bales of each lot of boxes, and specimens of each kind of lading should not be made under the direction of the prize commissioners by three persons appointed by said commissioners, the claimants to name one, the dist. att'y another, and the commissioners to nominate the third. And service being accepted the rule was taken up before the court, dist. att'y for libellant, E Briggs for claimants. And after hearing argument of counsel the court took time to advise.

Order appointing J. L. Sheafe, esq., to represent captors.

104 United States
vs
Brig Dashing Wave and cargo. } 7775.

It is ordered by the court that Jno. L. Sheafe, esq., be appointed attorney to represent the captors in this case, and that he be duly notified hereof.
Dec. 21, 1863.

Notice.

Jno. L. Sheafe, esq :

Please to take notice that you have this day been appointed attorney to represent the captors in this case.

By order of court.

K. LOEW, *D'y Clerk.*

N. O., Dec'r 21, '63.

Service.

Rec'd 22 Dec'r, 1863, and on same day served a copy of the within notice on J. L. Sheafe, esq., by delivering the same to his servant at his residence corner Common and Rampart sts.

J. S. BADGER, *D'y U. S. Marshal.*

105 *Order allowing further proof, Jan'y 25, 1864.*

UNITED STATES
vs.
BRIG DASHING WAVE AND CARGO. } 7775.

In this case, after hearing argument in support of the application for further proof on behalf of the captors by the dist. att'y, and the argument in opposition by E. Briggs, esq, proctor for the claimant, it is ordered by the court that further proof be allowed touching the facts as to whether the vessel was in American waters or not when taken, and as to the character of her cargo upon her voyage to Matamoros and when taken.

Claim and intervention of Avendano Bros., on beha'f of F. de Lizardi & Co.

106 District court of the U. S. for the east. dist. of La.:

UNITED STATES
vs.
BRIG DASHING WAVE AND CARGO. }

To the hon. the judge of the district court of the United States for the eastern dist. of Louisiana:

Now came into court Avendano Bros., a commercial firm domiciled in New Orleans, and composed of Theodomiro Avendano, and Peregrino Avendano, consignees by special endorsement of Francisco de Lizardi & Co., England, and intervening for their interest and the interest of their said consignors in a portion of the cargo of the brig Dashing Wave, to wit: two boxes, containing six thousand sovereigns each, equal together to the sum of twelve thousand pound sterling (£12,000,) shipped on board the said brig, and now in the custody of the officers of this court in the above-entitled cause, claim and aver that the said 2 boxes of specie were shipped by Francisco de Lizardi & Co., on board said brig at Liverpool, and
107 consigned to Jose San Roman, at Matamoros, Mexico, on the 2d of Sept., 1863, and the bill of lading therefor was forwarded to the said Jose San Roman; that afterwards, to wit, on the 19th Jan'y, 1864, the said bill of lading was specially endorsed over to these claimants, Avendano Bros, by the said Jose San Roman. Claimants annex as part hereof, and as evidence of their right to demand the delivery to them of the said boxes of money, the bill of lading therefor, so specially endorsed to them.

Claimants aver that the said Francisco de Lizardi & Co. are the true and bona fide owners of the said two boxes containing six thousand sove-

reigns each, and that no other person is the owner thereof. Claimants deny that the said two boxes of money are lawful prize of war.

Wherefore they pray that this hon. court will be pleased to decree
108 a restoration of the same to them, and otherwise right and justice to administer in the premises.

G. L. BRIGHT.

Theodomiro Avendano, being duly sworn, says that he is a member of the firm of Avendano Bros; that Jose San Roman, consignee, and F. de Lizardi & Co., consignors and owners of the money herein claimed, are absent from the State of Louisiana, the said Roman residing in Mexico and the said consignors in England; and further, he says that all the statements and allegations in the foregoing claim are true.

T. AVENDANO.

Sworn to and subscribed before me this 25 Jan., 1864.

ALFRED SHAW, *Clk.*

Bill of lading annexed.

Shipped in good order and condition, by Francisco de Lizardi & Co., of Liverpool, in and upon the good ship or vessel called the Dashing
109 Wave, whereof John Rive is master for this present voyage, and now lying in the port of Liverpool and bound to Matamoros, Mexico, two boxes, said to contain six thousand sovereigns each, all British property, being marked and numbered as in the margin, and are to be delivered in like good order and condition at the aforesaid port of Matamoros, all and every the dangers and accidents of the seas and navigation, of whatsoever nature and kind, excepted, unto S'r D'n Jose San Roman, or to his assigns, he or they paying freight for the said goods in Liverpool, as per margin and average accustomed.

In witness whereof, the master or purser of the said ship or vessel has affirmed to three bills of lading, all of this tenor or date, one of which being accomplished the rest to stand void.

Dated in Liverpool this 2d Sept., 1863.

[No goods contraband of war being on board.]

JOHN RIVE.

Marginal entry.—F. de L. & Co., 2 boxes, £12,000.

	Freight, 1 per cent	£120 0 0
110	Primage, 5 per cent	6 0 0
[SEAL]		126 0 0

Sealed as per seal annexed, to be delivered unbroken. Freight to be paid here one month after sailing, vessel lost or not lost; goods to be taken from alongside ship's tackle outside the bar at receivers' risk and expense, within 10 days after arrival, or pay £6 6 0 per day demurrage.

Endorsed: Deliver the within to Messrs. Avendano Hem's.

Matamoros, Jan'y 16, 1864. J. SAN ROMAN.

Intervention of Victor Garcia and Francisco de la Maza, filed 28 *Jan'y,* '64.

Before the dist. court of the United States for the eastern dist. of La.

UNITED STATES
vs.
BRIG DASHING WAVE AND CARGO

111 To the hon. the judge of the district court of the United States for the eastern dist. of Louisiana:

Now come into court Avendano Bros., a commercial firm domiciled in

New Orleans, and composed of Theodomiro Avendano and Peregrino Avendano, and intervening for the interest of Victor Garcia, of Tampico, and Don Francisco de la Maza, of Catorce, Mexico, Spanish subjects, in a portion of the cargo of the brig Dashing Wave, to wit, 145 packages of machinery, shipped at Liverpool by Messrs. Muriata & Co., of London, to Francisco Armendiez, Matamoras, claim that the said 145 packages were shipped as aforesaid, and that the said Victor Garcia and Francisco de la Maza are the true and bona fide owners thereof, and no other person is the owner thereof; and claimants deny that said 145 packages are lawful prize of war.

112 The claimants allege that said 145 packages were consigned to Francisco Armendiez by the instructions of claimants to the shippers, Messrs. Muriata & Co, of London.

Wherefore they pray that this hon. court will be pleased to decree a restoration of the same to them, and otherwise right and justice to administer in the premises.

G. L. BRIGHT, *Proctor.*

Theodomiro Avendano, being sworn, says that he is a member of the firm of Avendano Bros.; that Victor Garcia and D'n Francisco de la Maza are owners of the 145 packages of machinery herein claimed, and they are absent from the State of Louisiana and reside in Mexico; and further, he states that all the statements and allegations in the foregoing claim are true.

T. AVENDANO.

Sworn to and subscribed before me this 28 Jan'y, 1864.

K. LOEW, *D'y Clk.*

113 *Order to notify parties that testimony will be taken.*

U. S.
vs.
BRIG DASHING WAVE.

The clerk is requested to notify all parties in interest that testimony will be taken on behalf of claimants on Wednesday, the 17th Feb'y, at 6 p. m., and he will summon for that time Capt. Jno. Rive, of Dashing Wave, Philip Dean, do., Jno. Egre, mate of do.

N. O., Feb'y 15, 1864.

G. L. BRIGHT,
for San Roman & Lizardi, claimants.

Notice.

UNITED STATES
vs.
BRIG DASHING WAVE AND CARGO. } 7775.

To G. S. Lacey, E. Briggs, E. W. Huntington, and P. H. Morgan, esqs.:

You are hereby notified that testimony will be taken in the above
114 cause on Wednesday, Feb'y 17th, at 6 p. m., on behalf of claimants.

K. LOEW, *D'y Clk.*

N. O., Feb'y 16, 1864.

Service.

Rec'd Feb'y 16, 1864, and on the same day served a copy of the within notice on G. S. Lacey, E. Briggs, and E. W. Huntington personally, and that for Mr. Morgan left at his office.

M. EGAN, *D'y U. S. Marshal.*

Letter from the commander of the sloop Monongahela and documents annexed, filed 29 Feb., '64.

U. S. STEAM SLOOP MONONGAHELA,
Brazos Santiago, Texas, November 6, 1863.

SIR: I have the honor to present the claim of the officers and crew of this ship, who are entitled to share in the prize brig Dashing Wave, cap-
115 tured by the Owasco and Virginia off the Rio Grande on the 5th instant. This ship was within signal distance, and had an officer and boat's crew on board of the Owasco at the time of the capture. A prize list has been forwarded to the Navy Department.

Very respectfully, your most ob't serv't,

J. H. STRONG, *Commander*

To Hon. JUDGE *U. S. dist. court, New Orl's, La.*

P. S.—If more proof that this ship was within signal distance is required, all the officers on board are ready to swear to it.

U. S. S. MONONGAHELA, *off Mobile Bay, Ala., Feb'y* 24, 1864.

I certify that this vessel was within signal distance of the U. S. st'rs Virginia and Owasco on the 5th of November, 1863, at the time these vessels captured the English brig Dashing Wave, off Rio Grande, Texas.

116 DAVID KINDLEBERGER, *Surgeon, U. S. Navy.*

The above was sworn to in my presence.

J. H. STRONG, *Commander.*

U. S. ST'R MONONGAHELA, *off Mobile Bar, Feb'y* 24, 1864.

I certify that at the time of the capture of the British brig Dashing Wave by the U. S. st'r Owasco, Nov. 5, 1863, this vessel was within signal distance of said capture.

FORBES PARKER, *Ass't Paymaster, U. S. N.*

The above was sworn to in my presence.

J. H. STRONG, *Commander.*

U. S. S. MONONGAHELA, *off Mobile Bar, Feb'y* 24, 1864.

I certify that this vessel was within signal distance of the U. S.
117 gunboat Owasco when she captured the British brig Dashing Wave, off the Rio Grande, Nov. 5, 1863.

Very respectfully,

H. W. GRINNELL, *Acting Master, U. S. N.*

The above was sworn to in my presence.

J. H. STRONG, *Commander.*

Notices to take testimony.

UNITED STATES
vs.
BRIG DASHING WAVE. } 7775.

To Messrs. R. Waples, E. Briggs, P. H. Morgan, G. L. Bright:

You are hereby notified that testimony will be taken in the above cause on Wednesday, 9th inst., at 10 a. m., in the clerk's office.

K. LOEW, *D'y Cl'k.*

N. O., March 7, '64.

Service.

118 Rec'd March 7th, 1864, and on the same day and year served copy of the within notice on Messrs. R. Waples, E. Briggs, P. H. Morgan, and G. L. Bright, all personally.

N. O., March 7, '64.

M. EGAN, *D'y U. S. M.*

Testimony taken 9 March, '64.

U. S.
vs.
BRIG DASHING WAVE.

Examination of witnesses under the order of further proof.

Present: Dist. att'y, represented by Kellogg, esq.:

Edward A. Terrell, acting master of the U. S. st'r Owasco, sworn, says the Dashing Wave was captured by the Owasco on 5th Nov'ber, 1863, at about 5 p. m. I went on board the prize the next day. She was not moved after the capture before I went aboard of her. She was in American waters. She bore next day, that is the day on which I went aboard,
119 southwest by west, by the compass, $\frac{3}{4}$ths west. The Dashing Wave had not been moved from the time of the capture to the moment I took the bearings. She was a mile and a quarter in Am. waters. When I went aboard I asked the captain to whom he was consigned. He replied: "To nobody, but expected to himself." Half an hour after I asked him again, when he replied the D W. was consigned to 2 or 3 persons in Matamoros. Asked him why he had gotten so far in American waters. He replied that he had a friend in the Volant, and supposed the Volant was far enough to the south.

EDW. A. TERRELL, *Act'g Master, U. S. N.*

N. A. Blume, sworn for libellants, says: I am acting ensign on board the U. S. st'r Virginia, and was so at the time of the capture of the
120 Dashing Wave, which was captured by the Owasco and Virginia; the Virginia not having sufficient officers to bring her out, she was assisted by the Owasco. The D. W. was captured between 4 and 5 o'clock, Nov. , 1863. She was in American waters from $1\frac{1}{4}$ to $1\frac{1}{2}$ miles, and bore west-southwest, magnetic, from the mouth of the river at the time of capture. I had conversations with the captain of the D. W., who stated he did not know how the dividing line between the Mexican and American waters of the Rio Grande run. The capt. told me he had some chloroform on board and medicines also, and there was some clothing also on board, military clothing.

N. A. BLUME, *Act. Ensign U. S. steamer Virginia.*

Memoranda by clerk.

P. H Morgan and G. L. Bright, esqs, appeared in the clerk's
121 office on 9th inst., at 10 minutes past 10 o'clock, by my watch and that of another clerk in the office, and seeing no one on the part of the libellants present to proceed with the examination, they retired, with direction that I should bear the fact in remembrance.

March 9th, 1864.

K. LOEW, *D'y Clk.*

Order cause fixed for trial, March 9, 1864.

UNITED STATES
vs.
BRIG DASHING WAVE AND CARGO. } 7775.

On motion of P. H. Morgan and G. L. Bright, att'ys for F. de Lizardi &

Co., it is ordered that this cause be assigned for trial on Wednesday, 16th inst., at 10 a. m., and that the parties interested be notified thereof.

Notice.

To R. Waples, E. Briggs, G. L. Bright, and P. H. Morgan, esqs.:

122 You are hereby notified that the above cause has been assigned for trial on Wednesday, 16th instant, at 10 a. m.

By order of court.

K. LOEW, *D'y Cl'k.*

N. O., March 9th, 1864.

Service.

Rec. March 9th, 1864, 4½ p. m.; served personally on the within-named parties this Thursday, Mar. 10, 1864.

D. CHRISTIE, *D'y U. S. Marshal.*

Hearing and continuance, March 16, '64.

UNITED STATES
vs.
BRIG DASHING WAVE AND CARGO.

This cause came on this day for trial—dist. att'y for libellants, P. H. Morgan, E. Briggs, G. L. Bright, and Lacey & Huntington for claimants—when, after hearing counsel upon the affidavit of P. H. Morgan & G. L.

123 Bright, esqs., it is ordered that the evidence taken on 9th instant, so far as the claims of F. de Lizardi & Co. and Avendano Bros, represented by said proctors, are concerned, be ruled out and rejected, but that it be admitted as regards the claim represented by E. Briggs, esq. And it is further ordered that the hearing of the cause be continued till Thursday, 24th instant, at 10 a. m.

Affidavit of Morgan and Bright, esqs.

G. L. Bright and P. H. Morgan, two of the proctors for Francisco de Lizardi & Co., being duly sworn, depose and say that on the day fixed by the court for the taking of further proof in this case, and at the hour named in said order, to wit, on the 9th March, 1864, at 10 a. m., they were present in the clerk's office of the dist. court, the place designated in the order for taking the further testimony referred to in the order, ready and pre-

124 pared to attend the examination of the witnesses to be produced on the part of the U. S. Further, they depose and say that no officer representing the U. S. in this case was present in the clerk's office, and that they saw no persons whom they knew or took to be witnesses relied upon by the U. S.; that they waited in the clerk's office until 15 and 20 minutes after 10 o'clock, the hour mentioned in the order, when, seeing no officer of the government appear to take the testimony referred to in the order, they called the attention of the deputy clerk of the court to the fact, and then left the office.

GEO. L. BRIGHT.
P. H. MORGAN.

Sworn to and subscribed before me this 16th March, 1864.

K. LOEW, *D'y Cl'k.*

Order appointing D. Augustin, esq., att'y to captors in the place of Sheafe, deceased, March 16, 1864.

125 UNITED STATES
v.
BRIG DASHING WAVE AND CARGO. } 7775.

It is ordered by the court that D. Augustin, esq , be appointed attorney to the captors in the place of J. L. Sheafe, esq., deceased, and that he be duly notified hereof.

Notice.

To D. Augustin, esq.:

Please to take notice that you have this day been appointed attorney to represent the captors in this case.

By order of court. K. LOEW, *D'y Cl'k.*

N. O., March 16, 1864.

Service.

Rec'd March 16, '64, 5 p. m.; served on Thursday, March 17, personally.
D. CHRISTIE, *D'y U. S. Marshal.*

Notices to take testimony, March 16, '64.

126 UNITED STATES
v.
BRIG DASHING WAVE AND CARGO. } 7775.

To E. Briggs, Lacey & Huntington, G. L. Bright, D. Augustin, and P. H. Morgan, esqs.:

You are hereby notified that testimony will be taken in the above cause, on Thursday, 17th inst., at 4½ p. m., at the clerk's office.

K. LOEW, *D'y Cl'k.*

N. O., March 16, '64.

Service.

Rec'd March 16, '64, 4 p m.; served on the several parties in person, and served on E. Briggs, personally, on Thursday, 17th March, 1864.
D. CHRISTIE, *D'y U. S. Marshal.*

Testimony taken in presence of dist. att'y, P. H. Morgan, E. Briggs, and D. Augustin, March 17, '64.

In the matter of the Dashing Wave.

N. A. Blume, sworn for captors, says: I corroborate the evidence
127 I have given in this case on 9th inst.

(The proctors for claimants now no longer object to the manner of taking the same.)

Cross-ex. by claimant's counsel, P. H. Morgan and E. Briggs, esqs.

I did not see the Dashing Wave when she came to anchor. Neither did I see her before she anchored. I saw her for the first time one or two days prior to the capture, but cannot say the exact time. She did not move or

change her position at all during that time. I believe a day or two prior to the capture we had a gale of wind from the west. The shore is very low there You can see the bar and breakers from the place where the Dashing Wave was. She got as near to the bar as vessels usually do. I am quite sure that the captain of the D. W. did not know whether he was lying in American or Mexican waters from what he told me. You can see the
128 channel from the position occupied by the D. W. I would say that any man could see it. I believe that a stranger could see it. If I had been the captain of the D. W. I would have considered myself in a very good position to discharge my cargo to Matamoros at the place the D. W. was. I am quite sure that the Dashing Wave was in American waters when captured. She was 4 miles from the bar, about 1¼ to 1½ miles to the northern of the bar. I am sure that she was in American waters then. I heard it said that the bar changes very often. I am convinced she was in American waters from the bearings I took, which brought her from 1¼ to 1½ miles into American waters.

Ex. by captors and libellants.

Where the D. W. lay when captured she could have landed her cargo in Texas just as well as in Matamoros. It was just as near for her to
129 land her cargo on Texan as on Mexican ground.

The witness being shown chart X, styled preliminary survey of the entrance of the Rio Grande from the U. S. coast survey, marks upon the chart, by the aid of the ruler and compass, the exact position of the place occupied by the D. W. at the time of capture; also the division line of the middle of the channel down to the aforesaid place, and has marked the spot with a pencil mark on said chart.

In the opinion of the witness this chart is one of the best he ever saw.

These observations are the result of his observations he made at the time of capture when he took the bearings from the prize.

The distance of the D. W. from the division line at the time of capture as measured from the chart with the compass was 1½ miles at the time of the capture. Chart X gives one mile, allowing the variation of 9 degrees.

N. A. BLUME, *Act. Ensign.*

130 *Testimony of J. H. Rogers with regard to vessels within signal distance at time of capture, taken 17 March, '64.*

J. H. Rogers, sworn for captors, says: The Owasco was within signal distance when the Virginia captured the Dashing Wave. It was a joint capture. There were no other U. S. war vessels within signal distance at the time of capture. The Monongahela was at a distance of 11 miles. Her hull and rigging could be seen and distinguished with a spyglass, but her signals or colors could not be distinguished. Next day after the capture, at about 9 a. m., the Owasco hoisted signals, which I supposed were intended for the Monongahela, which was the only armed vessel in the neighborhood. The signals were not for us. After the signals had been flying about for about an hour, she fired her 11-inch gun. There was nothing for
131 her to fire at, so I inferred she was firing for the Monongahela. After that the signals were up for 2 or 3 hours, and then were hauled down. Had the signals been seen and been answered they would have been hauled down immediately. This is my reasons for supposing that the Monongahela was not within signal distance. The circumstances above related occurred actually, and apply to the captures of the Science, Dashing Wave, and Volant.

J. H. ROGERS, *Act. Ensign, U. S. N.*

Testimony of Blume, March 17, '64.

N. A Blume, sworn for captors, says: The Owasco was within signal distance at the time of the capture of the Dashing Wave by the Virginia. Both captains of the Owasco and Virginia came aboard the D. W. at the same time. The Monongahela was within 11 miles distance at the time of capture, but not within signal distance, in my opinion. I could see her hull and rigging but could not make out her colors by the aid of a spyglass.

132

N. A. BLUME, *Act. Ensign.*

Hearing and submission, March 24, 1864.

UNITED STATES
v.
BRIG DASHING WAVE AND CARGO.

This cause came on this day for trial—dist. att'y for libell'ts, D. Augustin, esq, for captors, P. H. Morgan, E. Briggs, Hon. Wm. Marvin, G. L. Bright, G. S. Lacey and E. W. Huntington, for claimants—when after hearing the testimony taken under the order for further proof and argument of counsel, the court took time to advise, and requested the respective proctors to furnish their authorities without delay.

133

Agreement, filed March 24, '64, *in open court upon trial.*

UNITED STATES
v.
BRIG DASHING WAVE AND CARGO.

It is agreed by the parties that all the papers on file in this case be considered in evidence without any formal offering on either part.

Decree of restitution, filed June 16, 1864.

UNITED STATES
v.
BRIG DASHING WAVE AND CARGO. } 7775.

For the reasons now orally assigned by the court, and which shall be reduced to writing hereafter, it is ordered, adjudged, and decreed that the libel be dismissed, and that the vessel and cargo be restored to the claimants.

Judgment rendered June 16, '64. Judgment signed June 22, '64.

134

E. H. DURELL, *Judge.*

Petition of appeal, filed July 1*st*, 1864.

U. S. dist. court, east. dist. of La.

UNITED STATES
v.
BRIG DASHING WAVE AND CARGO. } In prize.

To the Hon. Edward H. Durell, judge of the dist court of the United States for the east. district of La.:

The petition of Rufus Waples, United States attorney, in the name and in

the behalf of the United States of America, libellant herein, respectfully represents that a final sentence and decree were entered on the 22d day of June, 1864, in the above-entitled case, in the said U. S. dist. court for the eastern district of Louisiana, in and by which said final sentence and decree
135 it was ordered, adjudged, and decreed that the libel be dismissed, and that the vessel and cargo be restored to claimants. That said final sentence and decree is adverse to said libellant, and to his manifest injury and prejudice. That the matter in controversy exceeds the sum of $2,000. That your petitioner in behalf as aforesaid feels aggrieved by the rendition of said final decree, and is advised that the same is erroneous and ought to be reversed.

Wherefore said libellant in behalf as aforesaid doth hereby appeal from said final decree to the next term of the Supreme Court of the U. S, returnable on the first Monday of December next, and prays this hon. court to grant him a suspensive appeal from said final sentence and decree, the same to operate as a supersedeas, and that said final sentence and decree may be reversed, and such other decree thereupon made as to said Supreme Court shall seem just, and that a transcript of the record and proceedings
136 in this cause, duly authenticated, may be sent up to the said Supreme Court without delay.

RUFUS WAPLES, *U. S. Att'y.*

Order.

An appeal, to operate as a supersedeas, is allowed in this case as prayed for, returnable to the Supreme Court of the United States the first Monday of December next, the libellant being dispensed from giving bond and security in judicial proceedings.

July 2d, 1864.

E. H. DURELL, *Judge.*

Order allowing F. de Lizardi & Co. to bond gold, July 2d, 1864.

UNITED STATES
vs.
BRIG DASHING WAVE AND CARGO.

On motion of P. H. Morgan, proctor for F. de Lizardi & Co., claimants and owners of twelve thousand pound sterling, seized in this case as part of the cargo, and on suggesting to the court that a decree of
137 restitution of the vessel and cargo has been rendered herein, and that they desire to bond the said gold, ordered (in the presence of the dist. attorney,) that F. de Lizardi & Co. have leave to bond the said gold upon furnishing bond in the sum of $130,000, with good and solvent security conditioned as the law directs. (Extract from the minutes.)

Order to deliver personal property to Philip Dean, July 5, '64.

UNITED STATES
vs.
BRIG DASHING WAVE AND CARGO. } No. 7775.

On motion of E. Briggs, esq., proctor for claimant, and on showing to the court that Philip Dean, a passenger on said Dashing Wave, is desirous to leave New Orleans, it is ordered that the U. S. marshal deliver up to him the following personal effects, to wit: 1 rifle, 1 revolver, 1 small pistol.

E. H. DURELL, *Judge.*

138 Submitted. RUFUS WAPLES, *U. S. att'y.*

Rec'd from J. Graham, U. S. marshal, the above-named articles.

P. G. B. DEAN.

N. O., July 6th, 1864.

Order allowing Droege, Oetling & Co. to bond.

UNITED STATES
vs.
BRIG DASHING WAVE, &c. } 7775.

On motion of G. S. Lacey and E. W. Huntington, proctors for Droege, Oetling & Co., in the presence of the dist. atty, it is ordered that Wm. H. Litchford and Philip Simms, the former on the part of the claimants, the latter on the part of the U. S., be, and they are hereby, appointed appraisers for the purpose of ascertaining from the invoice the difference, if any, between the invoice prices of the goods, wares, and merchandize set forth in the
139 accompanying list, and their present value in the city of New Orleans, and to report the same to the court.

And it is further ordered that the goods, wares, and merchandize set forth in the aforesaid list be released from seizure, and put into the possession of the said Droege, Oetling & Co, upon their giving bond and security according to law, to cover the amount of the value of said goods, wares, and merchandize, as ascertained from the report of the aforesaid appraisers, without prejudice to the claim of parties in interest, if any they have, for damages on account of the alleged illegal seizure and detention of the aforesaid articles.

Service.

Rec'd July 8, 1864, and on 11 July, '64, served copies of the within order and notice on W. H. Litchford and Philip Simms in person, but on the reverse of the copy served on W. H. Litchford, is a written statement, which purports to be a copy of the original manifest of the within-named brig Dashing Wave.

J. A. NOBLE, *D'y U. S. M.*

140 *List of goods on board brig Dashing Wave, consigned to Droege, Oetling & Co.*

E D O	71–89,	19 bales printed flannels, invoice amount,	£753 18 11
D O M	2–3,	19 " wh. shirtings.	
"	5,	10 " cases spool thread.	
"	7,	23 " Russia sheeting.	
"	8–17,	10 " colored ticks.	
"	18–117,	10 " fancy prints.	
"	1–2,	2 " samples, invoice am't.....	3, 948
[K.]	5–9,	5 " pat. lin. thread.	
"	10–18,	9 " grey domestics.	
"	19–22,	4 " regrata stripes.	
	23–29,	7 cases bone pearl buttons.	
	32–34,	3 " w. sheeting.	
	35–36,	2 " shoe thread, shoemakers'.	
[D.]	1,	1 case pins, pencil, &c.	
	2,	1 " knitting needles.	
	3,	1 " needles.	
[K.]	1,	1 " samples.	
[K.]	1–25,	25 packages drugs.	
Samples—	1 box samples.		
[K.]	37,	1 bale cott. hkchfs.	
	1–3,	3 cases spool thread.	
	4,	1 " " "	
	2,	1 parcel samples, inv. am't.....	1,338 13 2
[B]	77–92	16 bars iron.	
B C S	197–216	250 bds.	

141		½	2 cases steel, inv. amt.....	338	1	1
	L K	1–50	50 coils M. rope.....	93	14	4
			568 packages.	£6,472	7	6
			at 4 84,	7,313	26	30

Order to deliver personal property to Captain Rive, July 26, '64.

UNITED STATES
vs. } 7775.
BRIG DASHING WAVE AND CARGO.

On motion of E. Briggs, esq., procter, it is ordered that the following effects, now in the custody of the marshal, be delivered to John Rive, the master of said brig, on the ground that the same are his personal and individual property, to wit: 1 chronometer, 1 quadrant, 1 Howe's epitom, 1 chart bag and charts, 1 night-glass, 1 direction book for West Indies and the Gulf of Mexico, 1 writing desk, 1 time-piece, 1 barometer, and 1 code of commercial signals with books. (Extract from the minutes.)

142 Rec'd the above-mentioned articles.
N. O., July 30, '64.

JNO. RIVE, *Master brig Dashing Wave.*

Order authorizing U. S. comm'r to take bond in the absence of the court, Sept. 6, '64.

UNITED STATES
vs. } 7775.
BRIG DASHING WAVE, &C.

On motion of E. Briggs, esq., proctor for claimants, it is ordered that Chs. Claiborne, esq., U. S. commissioner, in the absence of the court be authorized, on application in this behalf, to take bond for the vessel and cargo libelled herein, and that he be further authorized to issue all orders necessary to effect the appraisement and delivery of the vessel and cargo to claimants, on their giving good and sufficient stipulation in the appraised value of the same.

143 *Order taxing marshals' fees, Sept.* 6, '64.

UNITED STATES
vs. }
BRIG DASHING WAVE AND CARGO.

Upon the motion of James Graham, late marshal, and on submitting detailed statement of his costs, fees, and disbursements, the said costs and disbursements were taxed by the court as follows:

Costs or fees.....	95 48
Disbursements	804 10
	$899 58

Agreement relative to transcript of appeal, filed Sept. 28, '64.

U. S.
vs. } 7775.
BRIG DASHING WAVE AND CARGO.

It is hereby agreed that the log and cargo books of the brig Dashing

Wave be sent up to the appellate court in original, with the transcript of appeal.

N. O., Sept. 28, '64.

RUFUS WAPLES, *U. S. Att'y.*
EDWARD BRIGGS, *Proctor for claimants.*

It is further agreed that all the invoices, bills of lading, and ac-
144 counts relating to the various goods shipped by the Dashing Wave, to consignees at Matamoros, be likewise transmitted with the transcript to the appellate court in original.

(Sig.) RUFUS WAPLES, *U. S. Att'y.*
ED. BRIGGS.

145 *Citation of appeal.*

United States district court, eastern district of Louisiana.

UNITED STATES
vs.
BRIG DASHING WAVE AND CARGO. } No. 7775.

The United States of America to Avendano Bros., agents of Jose San Roman and F. de Lizardi & Co., claimants of part of cargo, greeting:

You are hereby cited and admonished to be and appear before the Supreme Court of the United States at its next term, to be holden in the city of Washington, D. C., on the 1st Monday of Dec'r next, to answer the appeal taken by the United States, libellant in this cause, and that you show cause then and there, if any there be, why the judgment rendered against the said libellant on 22d June, 1864, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable E. H. Durell, judge, this 2d day of July, in the year of our Lord 1864, and the 88th of the American independence.

E. H. DURELL, *Judge.*

146 On July 5th, 1864, I served a copy of this citation of appeal on Geo. L. Bright, esq., attorney for claimants, at his office, Nachez alley, cor. of Bank Place, in this city, and delivered the same in his hands.

D. CHRISTIE, *Dep'y U. S. Marshal.*

147 *Citation of appeal.*

United States district court, eastern district of Louisiana.

UNITED STATES
vs.
BRIG DASHING WAVE AND CARGO. } No. 7775.

The United States of America to Victor Garcia and F'co de la Maza, claimants of part of cargo, greeting:

You are hereby cited and admonished to be and appear before the Supreme Court of the United States at its next term, to be holden in the city of Washington, D. C., on the 1st Monday of Dec'r, 1864, to answer the appeal taken by the United States, libellant in this cause, and that you show cause then and there, if any there be, why the judgment rendered against the said libellant on 2d June, 1864, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable E. H. Durell, judge, this 2d July, in the year of our Lord 1864, and the 88th of the American independence.

E. H. DURELL, *Judge.*

148 On July 5th, 1864, I served a copy of this citation of appeal on George L. Bright, esq., in person, at his office, Nachez alley, corner of Bank Place, in this city, said G. L. Bright, esq., being attorney for claimant in this cause.

D. CHRISTIE, *Dep'y U. S. Marshal.*

149 *Citation of appeal.*

United States district court, eastern district of Louisiana.

UNITED STATES
vs.
BRIG DASHING WAVE AND CARGO. } No. 7775.

The United States of America to F. de Lizardi & Co., claimant of part of the cargo, greeting:

You are hereby cited and admonished to be and appear before the Supreme Court of the United States at its next term, to be holden in the city of Washington, D. C., on the 1st Monday of Dec'r, 1864, to answer the appeal taken by the United States, libellant in this cause, and that you show cause then and there, if any there be, why the judgment rendered against the said libellant on 22d June, 1864, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable E. H. Durell, judge, this 2d day of July, in the year of our Lord 1864, and the 88th of the American independence.

E. H. DURELL, *Judge.*

150 On July 5th, 1864, I served a copy of this citation of appeal on Judge P. H. Morgan, attorney for claimant, by leaving said copy in his hands, at No 52 Bienville street, in this city, the said within-named F. de Lizardi being absent from the city.

D. CHRISTIE, *Dep'y U. S. Marshal.*

151 *Citation of appeal.*

United States district court, eastern district of Louisiana.

UNITED STATES
vs.
BRIG DASHING WAVE AND CARGO. } No. 7775.

The United States of America to Jno. Rive, captain and agent of the owners of the brig Dashing Wave and cargo, claimant, greeting:

You are hereby cited and admonished to be and appear before the Supreme Court of the United States at its next term, to be holden in the city of Washington, D. C., on the 1st Monday in Dec'r next, to answer the appeal taken by the United States, libellant in this cause, and that you show cause then and there, if any there be, why the judgment rendered against the said libellant on 22d June, 1864, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable E. H Durell, judge, this 2d day of July, in the year of our Lord 1864, and the 88th of the American independence.

E. H. DURELL, *Judge.*

152 On July 5th, 1864, I proceeded to the clerk's office of the district court of the United States, and there served a copy of this citation of appeal on the within-named John Rive in person, at said court-room, No. 18 Royal street.

D. CHRISTIE, *U. S. Deputy Marshal.*

New Orleans, July 5th, 1864.

153 [Here follows map, page 152.]

Agreement in regard to the L'pool custom-house clearance which is lost or mislaid.

UNITED STATES
vs. } 7775.
BRIG DASHING WAVE.

The Liverpool custom house clearance of the Dashing Wave, offered in evidence on the trial, being lost or mislaid, it is agreed by the proctors that the same was in the ordinary and usual form, and that the present entry shall excuse the production of the same as a part of the record.

(Sig.) RUFUS WAPLES, *U. S. Att'y.*
ED. BRIGGS, *Proctor for claimants.*

Oct. 5th, 1864.

154 United States district court, eastern district of Louisiana.

I, Kilian Loew, deputy clerk of said court, do certify that the foregoing 154 pages contain a full, complete, and correct transcript of the original record, and of all the proceedings had, documents filed, and evidence adduced on the trial of the case of the United States *vs.* the brig Dashing Wave and cargo, No. 7775 of the docket, with the exception of the books and papers which, under the agreement on file, go up to the appellate court in original, and the Liverpool custom-house clearance, which has been lost or mislaid.

In testimony whereof, I grant these presents under my hand and [SEAL.] the seal of court, at New Orleans, this 5th day of October, A. D. 1864, and the 89th year of the American independence.

K. LOEW, *Clerk.*

Filed November 19, 1864.

[REC. CCXC, D. T. 1864.]—8